

## THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 27th August 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

## PRESENT:

Marjoribanks, The hon. Mr. N. E.  
 Usman Sahib Bahadur, The hon. Khan Bahadur Mohammad.  
 Moir, The hon. Mr. T. E.  
 Campbell, The hon. Mr. A. Y. G.  
 Raja of Panagal, The hon. the Patro, The hon. Rao Bahadur Sir A. P.  
 Sivasnathan Pillai, The hon. Diwan Bahadur Sir T. N.  
 Abdulla Ghatala Sahib Bahadur, Khan Bahadur.  
 Adinarayana Chettiyar, Mr. T.  
 Anjaneyulu, Mr. P.  
 Ankineedu Prasad Bahadur, S. B. Y.  
 Ari Gowder, Mr. H. B.  
 Arpudaswami Udayar, Mr. S.  
 Bhanoji Rao, Mr. A. V.  
 Biswanath Das Mahasayo, Sriraman.  
 Boag, Mr. G. T.  
 Chidambaram Nadar, Mr. A.  
 Cotterell, Mr. C. B.  
 Davis, Mr. J. A.  
 Devendrudu, Mr. N.  
 Gangaraju, Mr. M.  
 Gopala Menon, Mr. C.  
 Gopalan, Rao Sahib P. V.  
 Guruswami, Mr. L. C.  
 Haji Qasim Sahib Bahadur, Khan Bahadur.  
 Haji Abd-ul-Jalil.  
 Hegde, Mr. J. Naganna.  
 Heggade, Mr. D. Manjappa.  
 Kesava Pillai, Diwan Bahadur P.  
 Khadir Mohiddin Elyas Khan Sahib, Mr. Koti Reddi, Mr. K.  
 Krishnan Nayar, Diwan Bahadur M.  
 Krishna Rao Pantulu, Rao Bahadur A. S.  
 Krishnanna Achariyar, Rao Bahadur V. T.  
 Krishnaswami Nayudu, Rao Bahadur K.  
 Kuppuswami, Mr. J.  
 Madanagopal Nayudu, Mr. R.  
 Madhava Raja, Mr. V.  
 Madurai, Honorary Lieutenant.  
 Mallesappa, Mr. T.  
 Marthandam Pillai, Mr. P. N.  
 Meera Sahib, Mr. Muhammad.  
 Moidu Sahib, Mr. T. M.  
 Muniswami Nayudu, Rao Bahadur B.  
 Murugappa Chettiyar, Diwan Bahadur A. M.  
 Muttayya Mudaliyar, Mr. C.

Muttayya Mudaliyar, Mr. S.  
 Narasimhachari, Rai Bahadur T. M.  
 Narasimha Raju, Rao Bahadur C. V. S.  
 Narayanan Nambudisripad, Rao Bahadur O. M.  
 Natesa Mudaliyar, Rao Bahadur C.  
 Obalesappa, Mr. B.  
 Pandurang Row, Mr. V.  
 Peddiraju, Mr. P.  
 Ponnuswami Pillai, Mr. K. S.  
 Prabhakaran Tampan, Mr. K.  
 Premayya, Mr. G.  
 Raghuchandra Ballal, Mr. K.  
 Raja, Rao Bahadur M. C.  
 Rajan, Mr. P. T.  
 Ramachandra Reddi, Mr. B.  
 Raman Menon, Mr. K. P.  
 Raman, Rao Bahadur P.  
 Ramalinga Chettiyar, Rao Bahadur T. A.  
 Ramaswami Mudaliyar, Mr. A.  
 Rameswara Rao, Mr. G.  
 Ranganatha Muttaliyar, Mr. A.  
 Sagarau, Mr. P.  
 Saldanha, Mr. J. A.  
 Samuel, Mr. J. D.  
 Sarvarayudu, Mr. K.  
 Sasibhushan Kath Mahasayo, Sriraman.  
 Satyamurti, Mr. S.  
 Sitarama Reddi, Mr. K.  
 Sitayya, Mr. M.  
 Siva Rao, Mr. P.  
 Srinivasa Ayyangar, Mr. R.  
 Srinivasan, Rao Sahib R.  
 Subbatayan, Dr. P.  
 Subrahmanya Pillai, Mr. Chavadi K.  
 Tulasiram, Mr. L. K.  
 Uppi Sahib, Mr. K.  
 Veerian, Mr. R.  
 Venkatachala Padayachi, Mr. K.  
 Venkatapati Razu, Mr. P. C.  
 Venkataramanna Ayyangar, Mr. C. V.  
 Venkatarama Sastriyar, Mr. T. R.  
 Venkatarangam Nayudu, Mr. C.  
 Venkataratnam, Mr. B.  
 Venkatarreddi Nayudu, Rai Bahadur Sir K.  
 Virappa Chettiyar, Rao Bahadur P. K. A. Ct.  
 Wood, Mr. C. E.  
 Zamindar of Mandesa.

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## I

## QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.]

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

## STARRED QUESTIONS.

## Assignment of Lands.

*Assignment of land in Korattur rantham.*

\* 2348 Q.—MR. R. VEERIAN : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that a pensioned Col.-Havildar, No. 1353, by name Pakianathan, an Adi-Dravida, late 1/1st, Madras Pioneers, (K.G.O.) Pension Line, Arni, petitioned for the assignment of land, Survey No. 34, in the village of Korattur rantham, Arni jagir, and that the assignment was not made; and

(b) whether the village monigar has permitted a portion of the said land to be cultivated by three caste Hindus who have not served in the Military; if so, why?

A.—(a) & (b) A petition containing these allegations was received through the hon. Member on 3rd July 1926. It was transferred to the Board of Revenue for disposal and the hon. Member was informed of this. The Government have no information about the truth or otherwise of the allegations made.

MR. R. VEERIAN :—“With reference to clauses (a) and (b), may I know if the Government have issued instructions to the Board of Revenue for the early disposal of the matter?”

The hon. MR. N. E. MARJORIBANKS :—“I am afraid I have considerable difficulty in understanding the question. I do not see that the hon. Member is in a position to tell me that the matter has not been disposed of.”



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*Alleged petitions from the Adi-Dravida ex-Military men of Chintadripet.*

\* 2349 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether the petitions dated 18th July 1926 submitted by the Adi-Dravida ex-Military men, residing at Mukkiamman koil street, Chintadripet, through me, have been received by the Chief Secretary, Government of Madras, Revenue Secretary, Government of Madras, and the Commissioner of Labour;

(b) if so, what steps have been taken to assign the darkhast lands specified in their petitions;

(c) why their previous petitions were not considered favourably;

(d) whether it is a fact that all their petitions are being rejected on the ground that the lands applied for by them are lands the assignment of which is objectionable; and

(e) whether the authorities have sent them a list of darkhast lands specially set apart for assignment for depressed classes?

A.—(a) & (b) The petitions have not been received by the Government.

(c) No petition was received previously.

(d) & (e) The Government have not the information.

Mr. R. VEERIAN:—“With reference to the clauses (a) and (b) may I know to whom these ex-military men should make their applications for darkhast of lands? Is it to the Chief Secretariat Department or to the Commissioner of Labour or to any other authority?”

The hon. Mr. N. E. MARJORIBANKS:—“If the application is addressed to Government, it will be received by some department of the Government.”

Mr. R. VEERIAN:—“I only want to know to whom these applications for the darkhast of lands should be made? Is it to the Chief Secretary, or to the Revenue Secretary or to the Commissioner of Labour or to the District Collector of Madras.”

The hon. Mr. N. E. MARJORIBANKS:—“To the Collector of the district where the land is situated.”

### Deputy Collectors.

*Deputy Collectors on foreign service.*

\* 2350. Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) the number of Deputy Collectors whose services have been lent for foreign service for more than three years; and

(b) whether their lien on the previous posts has been suspended and their places permanently filled up subject to the right on the part of the officers on deputation to revert; and if not, why not?

A.—(a) Three.

(b) One of the three vacancies has been permanently filled up and another has been set off against the reduction of a post in the cadre. The third vacancy occurred on the 8th July 1926 and has not yet been filled up.

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**Indian Civil Service.***Collectors' Conference at Ootacamund.*

\* 2351 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue, the hon. the Law Member and the hon. the Minister for Local Self-Government be pleased to state what orders Government have passed on the several points raised and discussed at the Collectors' Conference held recently at Ootacamund especially on the following points :—

(a) redrafting the existing rules for the levy of ground-rent in urban areas ;

(b) the administration of plague measures ; and

(c) the relative spheres of activity of the Members of the Legislative Council and the District Officials in their relations with the people ?

A.—The question indicates a misapprehension of the nature and object of such conferences. They are not intended to present subjects for the orders of Government but by discussion and interchange of views to promote a better understanding by Government of the difficulties of district officers and by district officers of the existing orders of Government. Occasionally the issue of further orders may result from the discussions ; but this has not been the case regarding the three matters specified in the question.

Mr. A. RANGANATHA MUDALIYAR :—“ The question is what orders Government have passed on the several points raised and discussed at the Collectors' Conference. In the answer it is said ‘ the issue of further orders may result from the discussions ; but this has not been the case regarding the three matters specified in the question.’ May I know, Sir, if orders have been issued in regard to the other subjects ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ That covers a very wide field, Sir, and I must ask for notice.”

*Number of posts in the superior scale of the Indian Civil Service.*

\* 2352 Q.—Mr. A. RANGANATHA MUDALIYAR : With reference to the answer of the Government to question No. 1106, dated 16th December 1925, will the hon. the Member for Revenue be pleased to state the posts in the superior scale of the Indian Civil Service abolished and newly created by them since the introduction of the Reforms, and whether all the posts in excess of those abolished have been listed for and permanently filled up by members of the Provincial Service ?

A.—A statement<sup>a</sup> showing the posts in the superior scale of the Indian Civil Service abolished and newly created since the Reforms is subjoined. Six posts have been ‘ listed’. Permanent appointments have been made to five of the six additional posts. The appointment to the sixth post is under the consideration of Government.



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Mr. A. RANGANATHA MUDALIYAR :—“ May I know how many of the six posts abolished were listed for Provincial Civil Service officers? In the appendix, six are said to have been abolished and twelve newly created. I wish to know how many of these six abolished posts were reserved for Provincial Service men? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I do not understand the question, Sir.”

Mr. A. RANGANATHA MUDALIYAR :—“ I shall make it clear, Sir. Among those appointments in the superior scales of the Indian Civil Service, some posts are reserved for Provincial Service people. Six of them were abolished since the Reforms. I wish to know whether any, and if so, how many of these posts were treated as listed appointments? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I think the hon. Member is assuming, Sir, that six specific posts have been abolished irrespective of whether they were listed or not. It is only so many superior posts that have been abolished but the number has not been diminished.”

Mr. A. RANGANATHA MUDALIYAR :—“ The appointments are given here : one Member of the Board of Revenue, one Agency Commissioner and two Secretaries to the Board of Revenue, one of which is a listed appointment.”

The hon. Mr. N. E. MARJORIBANKS :—“ Those posts were abolished but the number of the listed appointments remain undiminished in any way on account of the abolition of any particular post.”

Mr. A. RANGANATHA MUDALIYAR :—“ They have been added to by six since.”

The hon. Mr. N. E. MARJORIBANKS :—“ Yes.”

### Malikhana Allowances.

*List of temples and mosques receiving tasdik.*

\* 2353 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Member for Revenue be pleased to state—

(a) with reference to question No. 2008, clause (a), answered on the 13th July 1926, whether a complete and up-to-date list of temples and mosques receiving tasdik or other allowances may be placed on the table of the House; and

(b) with reference to clauses (b), (c) and (d) of the same question, whether the Government will be pleased to call for the information and place it on the table of the House or publish it in the *Fort St. George Gazette*?

A.—(a) The question of the publication of the list will be considered as soon as the list shall have been prepared.

(b) If the hon. Member can assure the Government from his personal knowledge that there are such cases, enquiry will be made.

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**Public Service.***Addition to listed posts in the Madras Provincial Service.*

\* 2351 Q.—MR. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state whether as the result of the creation of the post of D.P.W. Secretary an additional post has been listed for the members of the Madras Provincial Service?

A.—An additional superior executive post in the Indian Civil Service has been 'listed' in connexion with the addition to the Indian Civil Service cadre of the post of non-technical Secretary to Government in the Public Works Department.

*Appointment of Secretariat clerks as probationary Revenue inspectors.*

\* 2355 Q.—MR. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to state—

(a) the conditions under which Secretariat clerks have hitherto been sent out for training as revenue inspectors for qualifying themselves for higher revenue appointments;

(b) whether it has been proposed to alter these conditions;

(c) whether it is a condition that a clerk in the Revenue Department of the Secretariat has to be trained as a revenue inspector for one year in order to be promoted to the place of a Superintendent; and

(d) whether it is proposed to require such clerks to go out on the maximum pay of a revenue inspector though they may be drawing higher pay in the Secretariat?

A.—(a) The conditions are—

(1) that the clerk should have completed six years' service;

(2) that he should be drawing a salary of Rs. 73 per mensem.

(b) Yes. The rule in future will be that only clerks on Rs. 80 per mensem or less in the departments of the Secretariat, and clerks on Rs. 81 per mensem or less in the offices of the Board of Revenue and the Collector of Madras will be deputed to serve as revenue inspectors or with a settlement party.

(c) Yes.

(d) No.

MR. J. A. SALDANHA :—“With reference to clause (b) may I inquire whether clerks on Rs. 80 and Rs. 81 will have to go on a lower pay as revenue inspectors?”

The hon. the PRESIDENT :—“Is it not answered in (d)?”

The hon. MR. N. E. MARJORIBANKS :—“The answer is given in (d).”

**Forests.***Grazing fees, etc., in Bellary.*

\* 2356 Q.—MR. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to furnish a statement showing the rates of grazing fees, revenue and expenditure for forest areas used mainly for grazing in the district of Bellary?



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A.—The rates of grazing fees in the Bellary Forest division are 8 annas per cow unit in the Harpanahalli range except in Toganikatta reserve and 3 annas a cow unit in the other reserves.

A statement<sup>a</sup> showing the revenue and expenditure for 1925–26 in respect of the reserves mainly used for grazing which have not yet been handed over to panchayats is appended. In the case of reserves under panchayat management the panchayats themselves fix the grazing fee, collect revenue and regulate expenditure.

Mr. A. RANGANATHA MUDALIYAR :—“ May I request the hon. the Home Member to furnish information, similar to that contained in the appendix to this answer, as regards the other reserves also ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I am prepared to consider the suggestion. ”

*Working of forests in the Presidency for industrial purposes.*

\* 2357 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI : Will the hon. the Home Member be pleased to state whether the Government have collected all ‘ relevant information ’ promised in answer to question No. 1054, dated 21st October 1924, in regard to the working of any other forest in the Presidency in the manner in which the Papanasam forests are being worked for industrial purposes and with what result ?

A.—Papanasam forests are not worked now for industrial purposes, nor are any other forest being so worked except the Chenat Nayar forest the conditions of which are quite different from those of Papanasam. Information collected from the Philippines and Java as bearing on the development of these forests points strongly to the fact that such areas may be intensively worked to the benefit of the forests and the profit of the Government.

Mr. Chavadi K. SUBRAHMANYA PILLAI :—“ May I know if trees are being cut in the Papanasam forests ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I do not think so, Sir. ”

*Jails.*

*Condition of Mappilla settlers in the Andamans.*

\* 2358 Q.—Mr. J. A. SALDANHA : With reference to the answer given to my question No. 1626, on 18th March 1926, will the hon. the Home Member be pleased to state—

(a) whether the report submitted by the committee appointed by the Government of India to enquire into the conditions of the Mappilla settlers in the Andamans has been received by the Government of Madras ;

(b) if so, when it will be placed before this House ;

(c) what the recommendations of the Committee are ;

(d) what the number of the Mappilla prisoners sent to the Andamans is, and of their families ; and

(e) what the condition of their health is ?

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A.—(a) A copy of the report submitted to the Government of India by the Committee has been received by the Government of Madras;

(b) & (c) The question of publication of the report is one for the Government of India;

(d) The question is not clear. The total number of Mappilla prisoners transported to the Andamans since 1922 is one thousand three hundred and twenty-six. The number transported under the Colonization scheme is one. As regards the families of the convicts, the attention of the hon. Member is invited to the answer given to question No. 442-A, clause (i), on 26th August 1925.

(e) It is believed that the condition of their health is satisfactory.

Mr. J. A. SALDANHA :—"With reference to clause (e) the answer is 'it is believed that the condition of their health is satisfactory'. May I know on what grounds it is believed so?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"From the reports received, Sir."

### Pensions.

#### *Applications for commutation of pensions.*

\*\* 2359 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Finance be pleased to state—

(a) the number of pending applications for commutation of pensions from (1) menials, (2) Non-gazetted officers, (3) Provincial Service officers and (4) Imperial Service officers, and the date of the longest pending application in each of the four classes;

(b) the provision made in the budget for commutation of pensions and how it has been distributed among the various classes of pensions;

(c) whether it is a fact that before the official year had hardly run three months, there were no funds for the Provincial Service men;

(d) whether it is a fact that the Imperial Service officers are treated differently from the Provincial Service officers, the former being allowed the concession as a matter of course, while the latter are not; and

(e) whether the Secretary of State has given it as his view that commutation should not ordinarily be deferred or, refused, except on medical grounds and, if so, the steps taken by the Government to give effect to the above view and dispose of the pending applications?

A.—(a) Of the applications for commutation of pensions received up to 15th July 1926, the number pending final disposal under each of the four classes, together with the dates of the longest pending applications, is given below :—

Class.	Number.	Date of the longest pending application.
Menials ... ..	Nil.	...
Non-gazetted officers ... ..	455	1st April 1925.
Gazetted officers ... ..	46	1st April 1925.
All-India Service officers ... ..	2	23rd March 1926.

These figures exclude cases in which the commutation of pension is inadmissible.



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(b) Rupees 6 lakhs.

Excluding the provision for expenditure in England and payments to be made to other Governments, the existing allotment has been provisionally distributed as follows :—

	RS.
All-India Services ... ..	76,000
Gazetted officers ... ..	1,16,700
Non-gazetted officers ... ..	2,70,000

The distribution of allotments between gazetted and non-gazetted officers has been made in proportion to the amounts required to meet their demands.

(c) The allotment of Rs. 1,16,700 for gazetted officers was sufficient only for the applications received up to 10th November 1925. In all these cases medical certificates have been called for; and if any of the applications under reference is rejected or withdrawn, fresh cases of gazetted officers covering the amounts released, will be taken up for disposal. A demand for a supplementary grant for Rs. 3.50 lakhs to enable all pending cases to be disposed of this year will be placed before the Legislative Council.

(d) The commutation of pensions of officers who are not governed by the Civil Pensions (Commutation) Rules framed by the Secretary of State, is subject to the condition imposed by the Local Government that the expenditure can be met from the sanctioned budget grants. The Secretary of State's Rules, which apply to All-India Services, contain no such condition.

(e) The views quoted in the question have not been communicated to this Government. But as stated in the answer to clause (c), the Government are asking the Council to vote an additional grant of Rs. 3.50 lakhs which it is hoped will be sufficient to dispose of all pending applications.

Mr. A. RANGANATHA MUDALIYAR :—“When is the supplementary demand for Rs. 3.5 lakhs going to be made, Sir?”

The hon. Mr. T. E. MOIR :—“It is proposed to do so in the present meeting of the Council.”

### Civil Justice.

*Upper grade posts in the Judicial department, North Arcot district.*

\* 2360 Q.—Mr. R. VEERIAN : Will the hon. the Law Member be pleased to state whether it is a fact that all posts in the upper grade, Rs. 60—4—80 and above in the North Arcot district, Judicial Department, unlike other districts, have been filled by Brahmans?

A.—The facts are as stated as regards the North Arcot district.

Mr. R. VEERIAN :—“May I know why the communal Government Order was not given effect to especially in the Judicial Department in the North Arcot district?”

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The hon. Mr. A. Y. G. CAMPBELL :—“ As regards that department, the District Judge writes that there have been no non-Brahman clerks in his district so well qualified as to justify their being given a rapid promotion over the heads of their seniors.”

Mr. A. RANGANATHA MUDALIYAR :—“ Have not the Government issued an order that the two chief ministerial posts in the district offices should not be held by members of the same community ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ There is such an order in the Revenue Department, but I am not aware of any such order as regards the Judicial Department.”

Mr. A. RANGANATHA MUDALIYAR :—“ Well in that case, assuming, as the hon. the Law Member says that there are no qualified people in that district, what is there to prevent their transferring qualified people from other places to restore the existing inequality ? ”

Mr. R. VEERIAN :—“ May I know whether the Government have called for the reports stating the names of persons, the services they have put in, the educational qualifications and other tests they have passed so as to find out whether there are actually suitable persons or not belonging to other communities . . . ”

The hon. the PRESIDENT :—“ That is a separate question.”

Mr. R. VEERIAN :—“ I wanted to know if the statement of the District Judge was verified or not by the Government ? ”

The hon. the PRESIDENT :—“ Order, order. That must be put as a separate question.”

Mr. A. RANGANATHA MUDALIYAR :—“ May I ask the hon. the Law Member if the vacancy should necessarily be filled up by suitable postings of subordinates of the same office or district ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ Generally, appointments are made from the same district but there is no rule to prevent the appointment of persons from outside the office or district.”

### Irrigation.

*Submersion of lands due to the change of the Cauvery left flood bank.*

\* 2361 Q.—Mr. T. M. NARAYANASWAMI PILLAI : Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether the left flood bank of the Cauvery at Kambarasampettai was thrown hundreds of yards to the south of the original flood bank ;

(b) whether in consequence a number of acres became part of the river bed of the Cauvery ;

(c) whether the Collector originally published a declaration that all the lands submerged would be acquired ;

(d) whether the Government subsequently changed it and limited the acquisition only to the lands actually covered by the new flood bank ;

(e) whether there have been numerous representations claiming damages and compensation for the lands submerged ; and

(f) whether the Government propose to pay such compensation and damages ?



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4.—(a) & (b) What is referred to is apparently the right and not left flood bank. An estimate for diverting the Cauvery right flood bank from the Municipal Pumping station to the Kodamurti bridge was approved by Government in October 1925; but the exact distance between the original flood bank and the proposed flood bank is not known.

(c) to (f) The question whether the construction of a new flood bank entails on the Government a liability to compensate the holders of lands between the old and the new flood banks is under examination.

*Repairs to the Manur channel in Tinnevely taluk.*

\* 2362 Q.—Mr. CHAVADI K. SUBRAHMANYA PILLAI: With reference to question No. 2130 [clauses (a) to (c) and (e) to (g)], regarding complete repairs to the Manur channel in Tinnevely taluk of the Tinnevely district, which is under contemplation for many years, and answered at the meeting held on 16th July 1926, will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether any report has been received from the departments concerned of the Government on the subject; and

(b) if so, to place the same on the Council table at its next meeting to be held in August 1926?

A.—Yes. The Government have received a report. The facts are as follows. As a result of investigation by the Tank Restoration Scheme Party in 1916, an estimate for general improvements to the Manur channel amounting to Rs. 62,000 was prepared in 1917. Owing to the fact that the ayacut under the channel is partly Government and partly estate land, it was necessary to distribute the cost and the Collector was asked to arrange for a contribution from the proprietors concerned, viz., the Zamindar of Uthumalai and the Inamdar of Kokkuparaikulam.

At that time (1918) the Collector did not regard the matter as urgent, and the proposals were shelved. The matter was taken up again in 1923, at the instance of the then Collector and it was reported that the estimate would, at current rates, come to Rs. 85,000. Meanwhile the question of contribution has become complicated by the fact that the Uthumalai Estate is now in the hands of a Receiver appointed by the District Court, and doubts have arisen regarding his capacity to bind the Estate in the matter. This question is still under correspondence between the Collector and the Public Works Department. Steps are also being taken to assess the shares to which each party is liable, which have been provisionally put by the Executive Engineer at—

	PER CENT.			
(i) Uthumalai	...	...	...	22.23
(ii) Kokkuparaikulam	...	...	...	4.03
(iii) Government	...	...	...	73.74

In the meantime, the Executive Engineer has, in the exercise of his powers, sanctioned estimates for silt clearance and repair of breaches from time to time as required. No estimate has been sanctioned in the current year.

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11-15  
a.m.

Mr. Chavadi K. SUBRAHMANYA PILLAI:—"With reference to the statement in the answer given that doubts have arisen regarding the capacity of the Receiver to bind the Estate in the matter, will the hon. the Member for Revenue be pleased to state whether the Government have obtained the necessary legal opinion, viz., the opinion of the Advocate-General, on the matter?"

The hon. Mr. N. E. MARJORIBANKS:—"I do not quite catch the hon. Member. I am not quite sure on what point legal opinion should be obtained."

Mr. Chavadi K. SUBRAHMANYA PILLAI:—"Regarding the power of the Receiver to bind the Estate in the matter of contribution to the repairs of the Manur channel, etc.?"

The hon. Mr. N. E. MARJORIBANKS:—"I do not understand to what question he is referring."

Mr. Chavadi K. SUBRAHMANYA PILLAI:—"It is stated in the answer to this question:

'At that time (1918) the Collector did not regard the matter as urgent, and the proposals were shelved. The matter was taken up again in 1923, at the instance of the then Collector and it was reported that the estimate would, at current rates, come to Rs. 55,000. Meanwhile the question of contribution has become complicated by the fact that the Uthumalai estate is now in the hands of a Receiver appointed by the District Court, and doubts have arisen regarding his capacity to bind the Estate in the matter.'

"Have Government taken legal opinion on the matter, Sir?"

The hon. Mr. N. E. MARJORIBANKS:—"Then, I would ask the hon. Member to go on to the next sentence in the answer, which says that the matter is still under correspondence. So far as that is concerned, legal opinion can be taken only after a decision is arrived at."

*Closing of breaches in the banks of the Tambraparni river.*

\* 2363 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: With reference to question No. 2180 [i and ii, (a) to (n)], regarding the closing of certain breaches in the banks of the Tambraparni river, and answered at the meeting held on 16th July 1926, will the hon. the Law Member be pleased to lay on the Council table any report received on the subject from the departments concerned at the next meeting of the Council in August 1926?

A.—The report<sup>a</sup> of the Executive Engineer dated 2nd July 1926 is laid on the table.

*Appointment of a Special officer for coolies working in the Mettur Project.*

\* 2364 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) whether any Special officer was appointed to look after the coolies, who are working in the Mettur Project as far as sanitation, house accommodation, wages, etc., are concerned;



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(b) what would be the approximate number of coolies who are now working; and

(c) if no Special officer was appointed, the reason for not appointing such an officer?

A.—(a) Yes. A Health Officer has been appointed to look after the coolies so far as sanitation is concerned. The Executive Engineer in charge of Construction attends to the house-accommodation, wages, etc., of the coolies.

(b) About 800.

(c) Does not arise.

Mr. R. VEERIAN :—“ With reference to the answer to clause (b), may I know how many of the 800 coolies employed in the Mettur Project belong to the depressed classes ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ I must ask for notice.”

Mr. R. VEERIAN :—“ I want to know why a Special officer from the Labour department was not deputed to look after these 800 coolies, since the Health Officer and the Executive Engineer in charge have already got too many activities to do ? ”

The hon. the PRESIDENT :—“ Order, order, that is a separate question.”

Mr. R. VEERIAN :—“ May I know whether Government are at least contemplating to appoint a special officer to look after those coolies ? ”

The hon. the PRESIDENT :—“ Order, order, that is a suggestion for action.”

Mr. R. VEERIAN :—“ May I know whether any school has been opened there ? ”

The hon. the PRESIDENT :—“ That is a separate question.”

### Local Boards and Municipal Councils.

*Representation of the barber's community in local boards and municipalities.*

\*2365 Q.—Mr. B. OBALESAPPA : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have taken any steps on the observation made by me in my speech on the 5th March 1925 during general discussion on the budget, regarding the representation of the barber's community by nomination to every local board and municipality; and

(b) if so, whether the Government will be pleased to lay on the table the names of persons of that community that were nominated since 1st April 1925?

A.—(a) & (b) The claims of members of the barber community are considered with the claims of other communities when suitable persons are available for appointments. M. R. Ry. M. P. Sornam Pandithar was recently nominated as a member of the Palamcottah Municipal Council.

Mr. R. VEERIAN :—“ With reference to the answer to clauses (a) and (b), may I know whether the Adi-Dravidas and other depressed classes will be deprived of the seat meant for them whenever a member of the barber community or washerman community would get that seat ? ”

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The hon. the RAJA OF PANAGAL :—“ It does not follow, Sir, from the answer given, that wherever these members are appointed the Adi-Dravida community will be deprived of their seats.”

Mr. R. VEERIAN :—“ May I know whether they represent only the backward communities? I mean the barbers and washermen, as apart from the depressed classes.”

The hon. the RAJA OF PANAGAL :—“ Wherever a particular community is considered to be more important than another, a member is nominated from that community.”

Mr. R. VEERIAN :—“ May I know whether they take the population of the community into consideration when they make such nominations to local boards? ”

The hon. the RAJA OF PANAGAL :—“ All those things are taken into consideration before nominations are made.”

*Appointment of one Madon to Kayalpatnam Union Board.*

\* 2366 Q.—Mr. R. VEERIAN : With reference to question No. 521, answered before the meeting of 28th October 1925 will the hon. the Minister for Local Self-Government be pleased to state whether the Adi-Dravida by name Madon of Kayalpatnam was already appointed as a member to represent the depressed classes to the Kayalpatnam Union Board, Tinnevely district, if not, why not?

A.—No. The Government understand that there has been no vacancy among the nominated members of the Kayalpatnam Union Board since they advised the appointment of an Adi-Dravida.

*Nominations to the South Kanara District Board.*

\* 2367 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Local Self-Government be pleased—

(a) to place before the House a statement of the names of Indian Christians on the District Boards and Taluk Boards of South Kanara, Malabar, Coimbatore, Nilgiris and Salem districts as they stood on 1st April 1926 showing their religion and sect—Catholic, Protestant or Syrian Christian; and

(b) to state (i) whether the Indian Christian Civic League of South Kanara recommended in 1925-26 the name of a Protestant as well as a Catholic for a likely vacancy of a seat of an Indian Christian and (ii) why two Roman Catholics were nominated by Government while there was already a Catholic elected member on the Board in preference to the Protestant candidate?

A.—(a) A statement<sup>a</sup> furnishing the information required is placed on the table.

(b) (i) No such recommendation is traceable.

(ii) The hon. Member is referred to the answer to clause (d) of question No. 1934.



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Mr. J. A. SALDANHA :—“ Sir, with reference to the table which is printed on pages 297–298 of the answers, will the hon. the Chief Minister be pleased to explain why in the taluk boards of Coimbatore, Gobichettipalayam, Erode, Pollachi and Kollegal, where there are so many highly cultured and advanced Indian Christians, there are no Indian Christians in any of those boards? ”

The hon. the RAJA OF PANAGAL :—“ The appointments of members of taluk boards are made by presidents of district boards.”

Mr. J. A. SALDANHA :—“ This Council is perfectly aware of that fact. But when there is a clear omission on the part of the district board president to nominate a single member of the Indian Christian community in all those taluk boards, will the hon. the Minister explain why they were not appointed? ”

The hon. the RAJA OF PANAGAL :—“ It is a matter left to the discretion of the president of the district board.”

Mr. A. RANGANATHA MUDALIYAR :—“ Is it not laid down in the statute that these minority communities must find representation on the local bodies? ”

The hon. the RAJA OF PANAGAL :—“ What is laid down in the provisions of the Act is that regard must be had to representation of minority communities.”

Mr. A. RANGANATHA MUDALIYAR :—“ When the president of the district board is deliberately disobeying such a provision, is not the hon. the Minister competent to enquire into such a matter? ”

The hon. the RAJA OF PANAGAL :—“ From time to time, the Government have been issuing instructions to the presidents of district boards.”

Mr. J. A. SALDANHA :—“ When the presidents persistently disobey, as in the case of Coimbatore and some other districts, does it not behove on the part of the Government to take serious notice of this neglect of the rule? ”

The hon. the RAJA OF PANAGAL :—“ Government take notice of those things. But there is no provision in the Act to enable the Government to inflict punishment on them. It is for the electorate to take these things into consideration.”

Mr. J. A. SALDANHA :—“ Why should not the Government make necessary legislation when experience has shown this defect? ”

The hon. the PRESIDENT :—“ That is a suggestion for action.”

*Amendment of the Madras Municipalities Act.*

\* 2368 Q.—Rao Sahib P. V. GOPALAN : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have consulted the opinion of all the municipal councils in this Presidency regarding the amendment to the Madras Municipalities Act in regard to making the Revenue Officer responsible to Government and independent of the councils;

(b) how many municipal councils are in favour of the proposal as a whole, how many for a portion of the proposal and how many are against the proposal; and

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(c) whether the Government have finally decided the question, whether final orders have been issued to the municipalities and, if so, which municipalities are going to have the Revenue Officers?

A.—(a) & (b) The Bill was published and thereafter 37 municipal councils expressed their views on the amendment. Two of them were for the amendment and the rest against it.

(c) The final decision of the question will rest with the Legislative Council, when the Bill is introduced in the Council.

*Nomination of an Indian Christian to Trichinopoly District Board.*

\* 2369 Q.—MR. J. A. SALDANHA: With reference to his answers to several points in connexion with question No. 1735 given on 23rd March 1926, will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether an Indian Christian has been nominated to any vacancy on the District Board of Trichinopoly; and

(b) if not, for what reasons?

A.—(a) The answer is in the negative.

(b) Since March last no suitable opportunity has occurred for the nomination of an Indian Christian.

MR. J. A. SALDANHA:—“Here is another instance of a district board, and I want to know why Government have made no nominations of Indian Christians to the Trichinopoly District Board. It is well known that Trichinopoly has got two first-grade colleges belonging to Indian Christians. Why was not a single Indian Christian appointed to the district board?”

THE HON. THE RAJA OF PANAGAL:—“The answer has already been given. No suitable vacancy has occurred.”

MR. A. RANGANATHA MUDALIYAR:—“May I know if it is a fact that no vacancy has occurred in the district board?”

THE HON. THE RAJA OF PANAGAL:—“It does not mean that there was no vacancy. There was no *suitable* vacancy.”

MR. J. A. SALDANHA:—“May I know whether there was no Indian Christian vacancy during the last three years on the district board? If there was a vacancy, why no Indian Christian was appointed?”

MR. A. RANGANATHA MUDALIYAR:—“I ask for more light as regards the suitability. I do not really follow what the hon. Minister means by saying ‘suitable vacancy’.”

THE HON. THE RAJA OF PANAGAL:—“The fact of the matter is that there was a vacancy, and it was filled up by a retired president. By convention we have been appointing retired chairmen or presidents as members of the board when vacancies arise.”

MR. J. A. SALDANHA:—“May I inquire who is a retired president? Is it a fact that he generally refuses or is reluctant to be on the board?”

THE HON. THE RAJA OF PANAGAL:—“Government have no information, Sir.”



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Diwan Bahadur P. KESAVA PILLAI :—“ May I know if the communities concerned made any representation to the Government that they were not represented on the board and that no nominations were made out of their communities ? ”

The hon. the RAJA OF PANAGAL :—“ I do not remember anything except the representation made by my hon. Friend.”

Mr. J. A. SALDANHA :—“ There was a representation made in this Council by some hon. Member or other, and in this case it is to the credit of a Muhammadan gentleman that he made this complaint. I myself complained of it.”

Mr. R. VEERIAN :—“ May I know whether there is any rule that the president of the district board should take the initiative in recommending persons belonging to the Indian Christian community as well as the Muhammadan community and the Adi-Dravida community, because they come under the category of backward and depressed classes for purposes of nomination ? ”

The hon. the RAJA OF PANAGAL :—“ I do not quite follow the hon. Member.”

Mr. R. VEERIAN :—“ Of course, it is the district board president that recommends the nominations. I want to know whether the president of the district board is vested with any power in making recommendations regarding members belonging to the minority communities, viz., Indian Christians, Muhammadans and depressed classes.”

The hon. the RAJA OF PANAGAL :—“ They generally make recommendations according to the claims of the respective communities.”

Mr. R. VEERIAN :—“ Then, has the president made any recommendations in this particular affair ? ”

The hon. the RAJA OF PANAGAL :—“ No.”

Mr. R. VEERIAN :—“ In that case, why did not the Government ask the president of the district board to recommend the name of an Indian Christian gentleman ? ”

The hon. the RAJA OF PANAGAL :—“ Because the president has recommended the next occasion for it.”

*Constitution of Udipi as a municipality.*

\* 2370 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what action has been taken on the proposal to convert the town of Udipi into a municipality or union board ;

(b) whether there are proposals before Government to convert any other towns in South Kanara and Malabar with a population over 10,000 into municipalities or union boards and, if so, what action has been taken on them ; and

(c) whether Government have laid it down as a principle that towns with a population of over 10,000 should have a municipality or union board to manage the town affairs ?

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A.—(a) & (b) So far as Udipi and other towns in the South Kanara district are concerned, the position has been explained in the answer to question No. 2273 to which the attention of the hon. Member is invited. There is no proposal to constitute any town in the Malabar district a union or municipality.

(c) No.

### Public Health.

*Control and provincialization of the services of vaccinators.*

\* 2371 Q.—MR. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Taluk Health Inspector and vaccinators are the employees of the local boards concerned;

(b) whether it is a fact that treble control is exercised over vaccinators by local boards, District Health Officers and Taluk Inspectors and, if so, what the reasons are; and

(c) whether the Government propose to provincialize the services of vaccinators?

A.—(a) Vaccinators are employees of local boards while Health Inspectors are Government servants whose services are placed at the disposal of local boards.

(b) The appointment and punishment of vaccinators rest with the presidents of local boards but no vaccinator should be appointed or punished except in consultation with the District Health Officer. Their work is controlled by Health Inspectors who are subordinate to the District Health Officer. The services of the District Health Officer are also placed at the disposal of the president, district board.

(c) The answer is in the negative.

*Water scarcity in rural parts.*

\* 2372 Q.—MR. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the petitions dated 15th July 1926 submitted through me to the Secretary to Government, Local Self-Government (Public Health) Department, Madras, have been received regarding water scarcity in different villages in several districts where the depressed classes live; and

(b) if so, what steps have been taken to provide water?

A.—(a) Yes.

(b) The hon. Member was informed that the matter was one for consideration by the Labour Commissioner or the local board concerned and it was suggested that he should address them direct.

MR. R. VEERIAN:—"Sir, may I know whether the Government have contributed any free grants to local bodies with reference to providing water-supply in the rural parts for the depressed classes, because they suffer very much?"

The hon. the RAJA OF PANAGAL:—"Yes."



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Mr. R. VEERIAN :—" If so, when and how much, Sir ? "

The hon. the PRESIDENT :—" It is a separate question. "

Mr. R. VEERIAN :—" May I know whether Government have issued any instructions to local bodies to give preference so as to see that wells for depressed classes should be provided since they suffer very much ? "

The hon. the PRESIDENT :—" They were requested to consider the claims of the depressed classes. "

Mr. R. VEERIAN :—" May I know whether Government are aware that local bodies are asking for half the amount of contribution for sinking wells from the depressed classes in the locality in which the well is wanted ? "

The hon. the RAJA OF PANAGAL :—" The general condition laid down was that, whenever a grant is made to local bodies, the local bodies concerned should make a contribution of 50 per cent of the grant. That was the case in regard to this grant of Rs. 12½ lakhs for water-supply. "

Mr. R. VEERIAN :—" I am only asking the hon. Minister why the local boards are demanding half the amount for sinking wells for the depressed classes if they wanted wells in any locality. Is it not the duty of the local boards to sink wells for them whether they contribute or not ? "

The hon. the RAJA OF PANAGAL :—" The local bodies have to pay an equal amount, and it is left to local bodies to finance water-supply either themselves or to get a portion from others. "

Mr. R. VEERIAN :—" In that case, no wells can be sunk for the use of the depressed classes. May I know whether the Government will sympathetically consider the matter and issue instructions not to take any contributions from the depressed classes since they have no funds at all ? "

### Religious and Charitable Endowments.

*Communal representation in the appointment of Commissioners to the Religious Endowments Board.*

2373 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Local Self-Government be pleased to state whether communal representation is observed in the appointment of Commissioners to the Religious Endowments Board ?

A.—The attention of the hon. Member is invited to the answer to his question No. 2034.

### Roads and Communications.

*Toll-gates on Alur-Guntakal road.*

\* 2374 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the total length of the Alur Goods Shed road and the Kasapuram road, Anantapur district, respectively, on each of which a ' Main ' toll-gate is said to be established ;

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(b) whether the toll-gate on the Alur Goods Shed road is situated on the road within the local fund limits or on property belonging to the railway authorities;

(c) if the toll-gate is situated on the railway land, the authority under which the toll-gate is established on private land and tolls are levied there; and

(d) if the two gates are gates independent of each other and situated on entirely different roads, why, in the latest sale notification published in the supplement to the *Anantapur Gazette*, dated 5th February 1925, they are described as situated at 0.2 and 0.5 furlongs of Alur-Guntakal road?

A.—(a) The length of the Alur Goods Shed road is 5 furlongs and that of the Kasapuram road, 3 miles.

(b) & (c) There is no toll-gate on the Alur Goods Shed road, but there is one at the fifth furlong of the Alur-Guntakal Feeder road where a vanka crosses it. The road up to this crossing belongs to the local board and beyond it to the railway company. The Government understand that the toll-gate was first fixed near the vanka on the local fund side of the road but that in July 1924 for convenience sake it was removed to the railway side of the vanka under a misapprehension that that side also belonged to the local board. The toll-gate was again moved to a local board road in April 1926.

(d) The president states that in the notification referred to the sites of the toll-gates were wrongly described and that the mistake was rectified at the time of the sale. One gate is on the Alur-Guntakal Feeder road and the other on the Kasapuram road.

Mr. A. RANGANATHA MUDALIYAR :—“With reference to the answer to clause (a) that the Alur Good Shed road is only 5 furlongs, may I know whether Government are satisfied as to the location of a main toll-gate in that road?”

The hon. the RAJA OF PANAGAL :—“The location of the toll-gate is left to the discretion of the local board.”

Mr. A. RANGANATHA MUDALIYAR :—“Is not the notification of the president to be submitted to the Government?”

*Trunk roads in Malabar and South Kanara.*

\* 2375 Q.—Mr. J. A. SARDANHA : Will the hon. the Minister for Local Self-Government be pleased to place before the House a statement showing the number of trunk roads from each of the districts of Malabar and South Kanara to over the Western Ghats with their respective mileage till the frontier of each district, how they are classified and the amount spent in the last two years on each road on the average per mile?

A.—The appended statement<sup>a</sup> shows the trunk roads passing over the Western Ghats in the Malabar and South Kanara districts, by whom they are maintained, their mileages and the average cost of maintenance per mile of road. In addition to these trunk



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roads there are a number of second-class roads which are maintained partly from district board and partly from Government funds.

Mr. J. A. SALDANHA :—" With reference to the statement published on page 299 in the appendix to the answer to this question, will the Government explain why South Kanara should have only one trunk road while Malabar has got five trunk roads? "

The hon. the RAJA OF PANAGAL :—" That depends on the traffic of the district."

Mr. J. A. SALDANHA :—" Does the hon. Minister mean that traffic in South Kanara is so little that it deserves only one trunk road while you have in the adjoining district of Malabar five roads? "

The hon. the RAJA OF PANAGAL :—" I cannot help it. One trunk road serves the traffic in South Kanara what five roads serve in Malabar."

Mr. J. A. SALDANHA :—" What does he mean by saying ' I cannot help it ' ? Is it that Government cannot help it? "

The hon. the PRESIDENT :—" The hon. Minister can only speak for the Government."

Mr. J. A. SALDANHA :—" Should not Government help themselves to help us (laughter) in providing us with the necessary number of trunk roads? "

The hon. the PRESIDENT :—" But there is no traffic."

The hon. the RAJA OF PANAGAL :—" I said that there was greater traffic in Malabar, and therefore there were more trunk roads there."

Mr. J. A. SALDANHA :—" Let Malabar have five. According to our representation South Kanara deserved three roads, at least two. Have Government considered this proposal? Are they going to refer it to any committee? "

The hon. the RAJA OF PANAGAL :—" The authorities will consider the suggestion."

### Education.

*Staging of dramas in boys' and girls' schools.*

\* 2376.Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether dramas are included in the curricula of studies in boys' and girls' schools and whether they are actually enacted in such schools; and

(b) whether this is intended for the purpose of physical training or for any other reason?

A.—(a) No.

(b) Does not arise.

Mr. R. VEERIAN :—" May I know whether the boys and girls are allowed to enact dramas according to their own choice which will tell upon their morality and character (laughter)? "

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The hon. the PRESIDENT :—“That is asking for opinion.”

Mr. R. VEERIAN :—“I only ask whether the educational authorities allow boys and girls to enact any kind of dramas.”

The hon. the PRESIDENT :—“Is it the information of the hon. Member that they are allowed to enact dramas?”

Mr. R. VEERIAN :—“With a view to collect funds, or for *tamash*, or for some reasons of their own which I cannot say, the boys and girls enact dramas. I want to know whether they are allowed to do like that, and whether the Government or the educational authorities do not take any notice of it or merely allow them to have their own choice.”

### Fisheries.

#### *Alleged migration of fishes from the West Coast.*

\* 2377 Q.—Rao Sahib P. V. GOPALAN : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the two most industrially important fishes—sardine and mackerel—have been migrating from the West Coast during the last two years ;

(b) whether he has any scheme under preparation (1) to find out the causes of migration of the above fishes, (2) to locate the feeding and breeding places of these fishes ; and

(c) whether he proposes by any means to relieve the fisherfolk of the West Coast from the famine and distress caused by the migration of the above fishes and, if so, to place on the table of this House copies of such proposals or schemes?

A.—(a) Large shoals of sardines and mackerel appear at irregular intervals on the West Coast. Mackerel was abundant in 1925 though scarce in the year previous. Sardine has been scarce during the last two years.

(b) (1) & (2) Yes.

(c) The Government are keeping a close watch on the situation which is at present not so serious as to justify their intervention.

Rao Sahib P. V. GOPALAN :—“May I just ask the hon. the Minister for Development to tell me what his schemes are under (1) and (2) of clause (b) of this question?”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“An officer will soon be deputed to go and find out these things. As soon as his report is received we will do the needful.”

Rao Sahib P. V. GOPALAN :—“May I just ask the hon. the Minister for Development whether he is aware that the hon. the Finance Member in answering a certain question of mine clearly indicated that the trawler intended for deep-sea fishing cannot be utilized for these purposes?”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“When it is not engaged in deep-sea fishing, it can be used for other purposes.”



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Rao Sahib P. V. GOPALAN :—“ May I just ask him whether the Research Institute at West Hill is purely intended for the purpose of making scientific experiments to find out the breeding places of fishes which have migrated from the coast ? ”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“ The answer is in the affirmative.”

Rao Sahib P. V. GOPALAN :—“ With reference to clause (c), may I ask whether the hon. Minister is aware that one of the hon. Judges of the High Court of Madras, one District Judge of North Malabar, one District Medical Officer of Malabar, some English clergymen, the President of the District Board of Malabar, and Chairmen of every so many municipalities in Malabar have signed a memorandum admitting the migration of fishes from the West Coast and under the circumstances will not his intervention will be justified ? ”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“ It is a fact that those gentlemen have signed some such memorandum. But the fact of it is that what they intended doing was some sort of philanthropic work. From the information we have from the Collector we find that although the situation requires help of a philanthropic nature, it does not require the taking up of famine relief operation.”

Rao Sahib P. V. GOPALAN :—“ Am I to presume that the Collector is of opinion that there is no necessity for departmental intervention for giving relief to the distressed people in the West Coast ? ”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“ There is no necessity for taking any action as contemplated in the Famine Code.”

Rao Sahib P. V. GOPALAN :—“ May I know how he will account for his subordinates being on the committee specially organized to collect funds for relieving the distress caused to the fisherfolk when I am told that his subordinates are sending official reports saying that there is practically no distress ? ”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“ There is difference between action of a philanthropic kind and otherwise.”

Rao Sahib P. V. GOPALAN :—“ Am I to understand that his subordinates have got the amorphous capacity ? In one capacity they say that there is distress and in another capacity they say that there is no distress.”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“ That is a matter of opinion.”

Mr. J. A. SALDANHA :—“ I am quite surprised. I want to know whether the Government have no philanthropic obligations to the people at all ? ”

## UNSTARRED QUESTIONS.

### Forests.

*Steps to abate ravages of fields by wild animals in South Kanara.*

2378 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member and the hon. the Member for Revenue be pleased to place before the House the reply given by Government on 10th April 1926 to my letter forwarding the

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resolutions passed at the meeting of the Wargadars held at Sallia in October 1925 about their forest grievances and to state—

(a) what steps have been taken by the Chief Conservator of Forests to make the cultivable area in reserved forests available for the purpose of cultivation and what is the area so made available in South Kanara;

(b) whether, as to protection from wild animals, it is a fact that shooting licences under the Arms Act are given to very few landowners and cultivators and that very few of them are well-to-do enough to purchase guns in the district; and

(c) what steps Government have taken to stop or abate the ravages of fields and gardens by wild animals from reserved forests in the district?

A.—A copy <sup>a</sup> of the reply referred to is appended.

(a) An area of 159.99 acres of reserved forest has been disforested and a further area of 167.36 acres has been admitted by the Chief Conservator as enclosures under section 18 of the Forest Act. The total area thus made available for cultivation is 327.35 acres.

(b) Licences for the possession of arms and ammunition for the destruction of wild animals that do injury to—

(1) human beings or cattle and

(2) to crops or cattle

are issued respectively in forms XVIII and XIX prescribed by the Indian Arms Rules, 1924. The numbers of such licences in force during the last five years in the South Kanara district were—

Year.	Licences in form XVIII.	Licences in form XIX.	Total number of licences.
1921 ... ..	19	3,451	3,470
1922 ... ..	16	3,407	3,423
1923 ... ..	13	3,538	3,551
1924 ... ..	13	3,546	3,559
1925 ... ..	11	3,737	3,748

The Government have no reason to suppose that only very few of the landowners and cultivators are rich enough to purchase guns in the district.

(c) The hon. Member's attention is invited to the answer given to clause (b) of Legislative Council question No. 854 asked by Mr. Manjappa Heggade on 2nd November 1925.

### Religious and Charitable Endowments.

*Application of the Hindu Religious Endowments Act to certain areas.*

2379 Q.—MR. D. MANJAYYA HEGGADE: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that some religious institutions within the territories to which the Madras Act I of 1925 applies own properties in places outside the purview of the said Act, and also that some maths and temples situated outside such territories derive considerable income from landed property or otherwise from within them; and

(b) if so, how the Act I of 1925 has been applied to such endowments in order to ensure their proper management?



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A.—(a) Yes.

(b) The Madras Hindu Religious Endowments Act, 1923 (Act I of 1925) gives jurisdiction only over institutions situated within the area to which the Act applies. All property of such institutions however, whether lying within or without such area is subject to the control and supervision of the Board. Conversely institutions situated outside the area to which the Act applies are free from the jurisdiction of the Board even in respect of property which lies within such area.

### Agriculture.

*Persons trained in Agricultural Colleges in this Presidency.*

2380 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) the number of persons who received their training in Agricultural Colleges in this Presidency, and were qualified for appointment as Demonstrators of Agriculture;

(b) how many of them are employed (i) in Government service, and (ii) in private service; and

(c) how many are without any employment?

A.—(a) The following are the figures for the past five years:—

Holdes of Proficiency certificates	...	...	...	165
Diplomates (L.Ag.'s)	...	...	...	140
B.Sc. Ag.'s	...	...	...	37
(b) (i) Holdes of Proficiency certificates	...	...	...	102
Diplomates (L.Ag.'s)	...	...	...	110
B.Sc. Ag.'s	...	...	...	33

(b) (ii) & (c) The Government have no definite information.

*Deputation of Mr. R. W. Littlewood to study dairy farming.*

2381 Q.—MR. B. RAMACHANDRA REDDI: Will the hon. the Minister for Development be pleased to state—

(a) whether it is proposed to depute Mr. R. W. Littlewood, Deputy Director of Agriculture, Livestock, to Europe to study dairy farming and the latest methods of manufacture of condensed milk;

(b) if so, what is the probable cost that will be incurred by the Government and how many years he is going to take to complete the course;

(c) whether the Government have made enquiries to find out if competent Indians are available who have made a special study of dairy farming, etc., at their own cost in foreign countries; and

(d) what is the age of Mr. Littlewood and how long he is expected to serve in India?

A.—(a) Mr. Littlewood has applied for study leave in continuation of ordinary leave to study the latest methods of dairying. The grant of leave is still under consideration.

(b) The grant of leave will involve an additional cost of Rs. 2,500 approximately; seven months.

(c) Yes.

(d) 38 years. For at least 15 years more.

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## II

## COMMUNICATION TO THE COUNCIL.

With reference to the Legislative Council resolution passed at its meeting of the 13th December 1921, and G.O. No. 42, Finance, dated the 11th January 1922, the Secretary laid on the table copies of statement of posts on Rs. 500 per mensem and above that have been created during the quarter ending June 1926.

[*Note.*—An asterish (\*) at the commencement of a speech indicates revision by the Member.]

## III

## THE MADRAS IRRIGATION BILL.

\* The hon. the PRESIDENT :—“ I have to communicate to the House the following messages of His Excellency the Governor :—

## I

His Excellency the Governor of Madras with the consent of His Excellency the Governor-General returns the Madras Irrigation Bill for further consideration by the Legislative Council with the recommendation that the Council shall consider amendments to sections 4 (5) (a), 4 (5) (d), 8 (a), 8 (b), 16, 20, 21 (2), 23, 46 (1), (3) and (4), 63 (1), 64, 65 (2) (a), 74, 78 (1), 79, 85, 109 (1) and 111.

6th January 1926.

## II

His Excellency the Governor recommends that the Madras Legislative Council do consider and pass the following amendments to the Madras Irrigation Bill which has been returned by him with the consent of His Excellency the Governor-General under clause (a) of sub-section 2 of section 81-A of the Government of India Act. The reasons for these amendments are explained in the note appended to each of them.

8th January 1926.

## III

His Excellency the Governor recommends that the Madras Legislative Council do consider and pass the following amendment to the Madras Irrigation Bill which has been returned by him with the consent of His Excellency the Governor-General under clause (a) of sub-section (2) of section 81-A of the Government of India Act :—

Section 46 (3).

Omit this section.

28th June 1926.

## IV

His Excellency the Governor recommends that the Madras Legislative Council do consider and pass the following amendments to the Madras Irrigation Bill which has been returned by him with the consent of His Excellency the Governor-General under clause (a) of sub-section (2) of section 81-A of the Government of India Act. The amendments are consequent on the omission of section 46 (3) recommended to the Madras Legislative Council in His Excellency's message of 28th June 1926.

Section 46.

Sub-section (3).

For the existing sub-section substitute the following :—

“ The Government may prescribe from time to time the rules under which and the rates at which cess shall be levied under this section and different rates for different irrigation or drainage works or different areas may be prescribed.”

Section 62.

For the first sentence substitute the following :—

“ An annual charge in respect of such scheme may be levied according to rules to be made by the Local Government under the provisions of section 111 on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable.”



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In the second sentence for the words "such rate or rates . . . limits" substitute the following :—

"The rate or rates at which such charge shall be levied shall be fixed as nearly as possible so as not to exceed either of the following limits."

Section 111.

Sub-section (1).

Between the words "from time to time" and "make" insert the words "after previous publication."

Sub-section (2).

New items after item (e).

Add the following as new items and re-letter the rest :—

"(f) declaring the rates of water-cess leviable under the Act ;

(g) declaring the annual rates payable under section 62."

Sub-section (3).

Omit this sub-section.

29th June 1926.

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, may we know the reason for this enormous delay in communicating to us on the floor of the House this message of His Excellency the Governor? We know that copies have been communicated to us. But are we to understand that you will communicate to us on the floor of the House messages of His Excellency when the Government propose to put their measures on the agenda or are we to understand that you are expected to communicate messages to us yourself independently without any reference to the agenda? The first communication was about 6th January 1926, the second and the third about the end of June. The Council met on so many occasions and no opportunity was taken by you to communicate those messages to us on the floor of this House."

\* The hon. the PRESIDENT :—"I believe these messages were communicated to hon. Members of the House."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—"But my submission is that they were not communicated to us on the floor of the House. Copies of messages were sent to us. If they were not to be communicated to us on the floor of the House, what is the necessity for you to formally make this communication now on the floor of the House?"

\* The hon. the PRESIDENT :—"The object of communicating these messages of His Excellency the Governor is to see that the amendments recommended by him are discussed and disposed of by the House. And so, the President in taking time to deliver these messages has naturally to consult the Government as to whether they are prepared to get days allotted for the disposal of the amendments consequent on those messages."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—"It is exactly to clear that position I have raised this point. The moment they are sent to you, the Standing Orders do contemplate that you shall put those motions from the Chair. The Act says that when a Bill which has been returned by the Governor in Council for reconsideration, the points referred to for reconsideration shall be put before the Council by the President and shall be discussed and voted upon in the same manner as amendments to a Bill. Sir, the spirit of the Standing Order is to treat it as neither official nor non-official business. The very fact that you are expected to put the amendments of His

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Excellency clearly shows that you shall have to put them not as an official or non-official item, but directly as an item of His Excellency. He not being a Member of this House you are expected to be his mouthpiece and present it. The Government is not the mouthpiece of His Excellency as far as these motions are concerned. That is the reason why the Standing Orders require you to put those motions. Otherwise, if it is really a Government business, one of the Members of the Government would have been expected to put those amendments to the House. The very fact that you are expected to be the mouthpiece of His Excellency the Governor in the matter of putting these amendments to the House shows that there is no choice left to the Members of the Government to arrange for that work."

\* The hon. the PRESIDENT:—"I am sorry to interrupt the hon. Member. Is there anything in Standing Order 51 which binds the discretion of the President as to when he shall put these amendments to the Council?"

\* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Then, I refer you to section 81 of the Government of India Act. There are two stages. A Bill may be returned while the Council is in session and it may be returned when the Council is not in session. When the Council is not in session, it must be taken up immediately after the Council meets. 81 (c) (ii) clearly lays down:

'In the case of the Council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session'.

"That means at the commencement of the next session, a notification will be issued. In this case, the first portion of the Bill was returned to the House when the House was in session. When some portions of the Bill were returned in January the Council was in session but when the later amendments were sent, the Council was not in session and the very intention that it is to be communicated at the commencement of the next session clearly indicates that you shall have to put them as soon as the Council sits and not leave it to the Government to decide when to put them."

\* Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, my submission to the House is that the Bill concerned is still official Bill. It was taken into consideration by the House and was passed. It went to the Governor and the Governor returned it. In one case he may return it either in whole or in part according to sub-section (1) of section 81-A, and in the other he may return the Bill to the House under sub-section (2) for further consideration with a recommendation that amendments may be considered thereto, i.e., to the Bill. Clause (a) of sub-section (2) says that specific amendments may also be suggested as part of the returned Bill. The Bill, so far as the message of the Governor is concerned, has been returned under that section and if any amendments are suggested by the Governor they will have to be put under Standing Order 51 in the manner suggested by the hon. Member who preceded me, namely, by the President and not by a Member of the Government. But there may also be amendments that may be made not only to the amendments that may be suggested by the Governor, but also to those made by private members to other parts of the Bill that are returned to the House or to the whole Bill when it is returned for further consideration. When it comes back with the amendments to be put to it, it comes back as the official Bill that it originally was. The particular form in which the amendments are to be put to the House according to Standing Order 51, applies only so far as amendments that are suggested by His Excellency the Governor in



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his message are concerned. Other amendments which may be put forward by private members will be considered, on their motion, in the usual form in which amendments of which notices might have been given by private members are considered. When the message has to be delivered, it has to be delivered for the purpose of taking the Bill into consideration and in the absence of any definite direction either in the rules or in the Standing Order or in the Act it is not inappropriate to give the message to the House at the time when the Bill has to be taken into consideration. As far as I recollect we never reached a stage, on any previous occasion, of considering the Bill and the amendments of His Excellency the Governor and those of the private members who subsequent to the message that was communicated to them had given notice of their amendments. I submit therefore that the stage at which the messages were delivered is not improper. When the Bill with amendments are taken up for consideration, the messages might without impropriety be delivered. It is a proper stage and we can proceed to deal with the amendment suggested by the Governor and by Members. I do not find any distinct direction either in the Act or the Standing Order calling upon the President to deliver the message of His Excellency the Governor at a particular time."

\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I rise to a point of order. It will be remembered that four messages have now been delivered by you to this House and the dates of the messages are important. One is dated 6th January, another 8th January and two in June 1926. I may submit that under section 81-A of the Government of India Act, there is a specific provision that His Excellency can return a Bill or portions of it for consideration of such amendments as he thinks fit within six months after he reserved the Bill for the consideration by the Government of India."

\* The hon. the PRESIDENT :—" I am sorry to interrupt the hon. Member. What is the point of order that he is raising."

\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" My point of order is that, so far as the message of June is concerned, it was delivered more than six months after the period fixed for the reservation of the Bill for the consideration of the Government of India and I say that it cannot come up before the House."

\* The hon. the PRESIDENT :—" I have delivered the message."

\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" My point is that the House cannot consider the amendment contained in that message. It is open to you either to accept my objection or to rule it out of order."

" Sir, I would refer this House to section 81-A of the Government of India Act. This is what it says :

" Where a Bill has been passed by a local Legislative Council, the Governor, Lieutenant-Governor or Chief Commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under this Act, may, and, if the rules so require, shall reserve the Bill for the consideration of the Governor-General."

\* The hon. the PRESIDENT :—" I am sorry to interrupt the hon. Member. May I ask him to raise his point of order when that particular amendment comes before the House?"

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\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"My point is that, so far as these messages are concerned, they cannot be placed before the House."

- \* The hon. the PRESIDENT :—"When the amendments are placed before the House, the hon. Member may raise his point of order. The amendments are not before the House. Only the messages of His Excellency the Governor have been delivered. These amendments will be taken up in their order. When those amendments to which the hon. Member objects come up before the House, then it will be time for him to raise the point of order."

Mr. A. V. BHANGUJI RAO :—"I beg to move

*'that the consideration of the Madras Irrigation Bill may be adjourned sine die'.*

"In this session we have got to consider the Madras Hindu Religious Endowments Bill and also the Malabar Tenancy Bill. The Irrigation Bill is a very important Bill and we should like to know, and the country also likes to know, what are the amendments that have been sent back to the Council. In view of these considerations, I move that the consideration of the Madras Irrigation Bill may be adjourned *sine die*."

\* Mr. Chavadi K. SUBRAHMANYA PILLAI :—"I beg to second it, Sir. The reason for my seconding this motion is this. There are two reactionary provisions suggested, viz., those amending sections 46 and 111. The Government wish to keep the power of taxation in the hands of its Executive, while the power of the purse and of taxation should be vested in the Legislature. There are also some other defects in the Bill."

\* The hon. the PRESIDENT :—"I am afraid the hon. Member is going into the merits of the amendments. He must show why it is necessary that the discussion should be adjourned."

\* Mr. Chavadi K. SUBRAHMANYA PILLAI :—"I am coming to that point, Sir. I say the matter I referred to above should be placed before the electorate in the coming election and their verdict obtained. Hence it is necessary that the discussion should be adjourned."

\* Mr. C. V. VENKATARAMANA AYYANGAR :—"I am sorry I have to oppose this motion. It is possible the Government may accept it. From all that we have heard, whatever the view of the Government may be on this point, it is desirable that some of us who have been asked specially by some portions of the electorate to see that the Bill is taken up in this session should place our views before the House. So far as this Bill is concerned, one chief reason why it has been placed before the House for the adjournment *sine die* is that the electorates require time to consider this Bill. You will remember that this similar Bill was under consideration of the previous Council and the Government appointed a special committee to go into the question of this Bill and that committee also made a report. Practically all the important questions were raised at that time and all these matters came up clearly before them. A long time was spent by the Select Committee in going through the various provisions of this Bill. It has been said on the floor of the House more than once by the Government that they are not in a position to do anything so far as new schemes are concerned without an Act passed by the House, and in several cases various difficulties have been experienced as this Bill has not been passed into an Act. Taking my own district into



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consideration, though there are plenty of forests and plenty of rivers there, the irrigated area is very small indeed. I believe, so far as irrigation is concerned, it is the last but one in the whole of the Presidency. We have got a special misfortune of having no irrigation on a large scale although we own a very large area of reserve forests and, what is more, a very large number of big rivers rising in our district. One great difficulty that has been felt is that as the law stands at present the Government have no power, as has been recently held by the High Court, of regulating water by turns so far as lands registered as wet are concerned with the result that recently Government have found it difficult in cases where water is scarce to regulate the distribution of that water and the Revenue authorities also have expressed their inability to do anything either by way of penalizing or by way of prosecution or otherwise. Those people who own lands at the top end of the channel and who take water to their lands waste it sometimes to the detriment of people who own lands lower down. That is an important defect about which legislation is required at once, and any further delay will lead to very serious difficulty. There is an irrigation project called Vadakkalur channel in connexion with which this specific point was raised and the people owning lands lower down the channel clearly complained about this defect in the law. They said, whatever may be the fate of other points raised in connexion with the irrigation law in this Presidency, this question must be made clear. There is also another point which has been referred to by the hon. the Law Member more than once on the floor of this House, i.e., that no project could be undertaken unless some provision was made under the Act enabling the Government to come into agreement with the ryots as to the rates to be paid for the various lands to be irrigated. There are a number of schemes so far as our district is concerned where the people are prepared to come to some agreement and pay a much higher rate than what is usually fixed for cultivation provided they get water for their lands. We have no water for purposes of irrigation although we have got plenty of water flowing through our district. So far as our district is concerned, the people are prepared to pay a much higher rate provided there is a law enabling them to come to some agreement with the Government and provided large schemes are launched upon. One great scheme that is now before the Government is the Upper Bhavani project and Government expect to collect Rs. 10 or 11 per acre for cultivation in the area which is going to be irrigated by that. The ryots in more than one conference attended by Members of the Board of Revenue have expressed their willingness to pay that rate if it is found necessary. If this Bill is not passed into law, the result will be that, so far as dry districts like ours are concerned, they will suffer indefinitely. If this Bill is postponed *sine die*, probably it will be thrown into the waste-paper basket; and although probably these districts which are getting sufficiently a large quantity of water may not feel any difficulty owing to the absence of any irrigation law, districts like ours which feel the difficulty now will suffer for ever.

"During the last three or four years our district has gone through famine conditions. Government also recognized this fact and gave some concessions in the shape of reduced grazing fees and other fodder concessions. A district like that would surely have to suffer if this Bill is postponed. 12 noon.

"Now, Sir, if there are certain zamindari areas in other parts of the Presidency which do not want this measure, let them pass a resolution to the effect that this Bill should not apply to those parts and we shall be prepared

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to support them. When they are placed in a favourable position, why should they oppose any measure which is designed to help the other suffering districts?

"With regard to the question of kudimaramat in the villages, to our great misfortune and shame we find that there is no union among the ryots as we used to have. Hence they are not in a position to make all the ryots pay. Even the Revenue authorities have recently held that they have no power to compel any defaulter to pay. I do not know if it applies to all the districts; at any rate, I know it is the case in our district. Therefore when the number of defaulters becomes large, Government are not able to do anything and the money that is paid already is locked up in the Government treasury for years. In the Coimbatore district we had to bring this to the notice of the Executive Engineer during the Irrigation Conference which was held there two weeks ago. When Government refuse to do anything in this case and when the ryots also do not all of them pay the rates, the canals become silted up and sometimes they are closed for a long period for want of repairs. This is one of the instances to show how our people suffer for want of an irrigation law in this Presidency. Therefore any further delay in passing this Bill would only mean more suffering to our people. It will be a cruel act on the part of those who want to carry this motion. I appeal to the Government itself not to delay this matter, whatever their private negotiations might have been and whatever their convenience as regards other circumstances might be. Otherwise they would be sacrificing the interests of the people, the very people who are willing to pay and bear the burden for the benefits conferred upon them. It is quite possible to suppose that the Government have committed a mistake in mixing two subjects together in this measure, i.e., the question of irrigation in the zamindari areas and the question of irrigation in ryotwari areas. We have no objection if, even now, those clauses of the Bill relating to the zamindari areas are removed and the Bill be made applicable only to ryotwari areas. I urge this, because there are districts like Coimbatore where there are very few zamindari areas and there is no question of big rivers passing through them. If the Government want to oblige the zamindars, we have no quarrel with them. But I wish to point out that there are a number of other districts like Coimbatore where the problem of the zamindari areas never occurs. Government will be criminally culpable, I would say, if for any reason, private or public, they agree to postpone the Bill.

"Much was said about the waste of time and money in the consideration of the Hindu Religious Endowments Bill; but no such complaint is made in this connexion. I do not think there is any fear of any court of law declaring this Act to be invalid if this should become an Act. After discussing this matter in more than one meeting of this Council, and spending so much of our time, it would be criminal on our part to throw it into the waste-paper basket and say that we have done all this for nothing and nothing is to come out of it. This would be giving a handle to those who are speaking against the Legislative Council. I appeal to the Government and to the House not to drop this measure; because dropping this measure now means dropping it for years and decades and once for all. I request them to take up this measure now. They may leave out such portions of the Bill as are very controversial in nature and enact the remaining portions. Government knew that there were controversial matters in this Bill; the first Bill



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was thrown out and Government took time to bring forward another measure and pass it in this House. It may be that some of the amendments sent by His Excellency the Governor are objectionable in their nature; but that is no reason why the whole Bill should be postponed. We will have to show to the Government and the Governor that some of the amendments, especially those relating to percolation, on which the Council has practically unanimously expressed its opinion, are not reasonable in their nature. Under the existing practice; charges are levied for percolation; the Council wanted to omit it and now the Governor has sent in amendments to restore it. If we do not now consider the Bill, the old practice will be continued and that would be practically giving effect to the amendments of the Governor. Because there are some objectionable amendments, we should not throw out the whole Bill; we will then be doing a great injustice. Therefore, in the name of the large number of people in the district I come from, I oppose this motion for adjournment and I appeal to the House and to the Government to pass this Bill, especially as it would benefit the various districts to which I have referred."

\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, this question of an Irrigation law for the Presidency has a long and melancholy tale behind it. It is a performance on which neither the Government nor the House can congratulate itself. After a long deliberation for forty or fifty years, Government introduced a Bill in 1914. This House passed a motion for adjournment even before Sir Alexander Cardew introduced the Bill. Again, Sir, another Bill was thrown out during the time of Sir K. Srinivasa Ayyangar; and as one who believed in what he did, he did not care to a continue in office after the Bill was thrown out. But the matter did not stop there. Various conferences were held and committees were appointed and another Bill was introduced on 6th February 1924 and was duly referred to a Select Committee. It was finally passed on 5th December 1924. Then messages were communicated to us, at first to the effect that the Bill was reserved for consideration of His Excellency the Governor-General and later on recommending certain amendments to the Bill. The messages were sent on various dates such as 6th January, 8th January, 28th and 29th June, respectively. Now, when we are at this stage we are told that the matter might be shelved and that this Council need not consider the matter. I ask the Government whether they meant serious business when they brought forward this Irrigation Bill before us and said that unless the Council passed an Irrigation law in this Presidency it will not be possible to proceed with large irrigation projects calculated to benefit the agricultural population of the Presidency. When the Government of India were approached in 1905 for a loan in connexion with the Cauvery project they stated that they would not encourage the undertaking of such large irrigation projects unless the Madras Government assumed control over the waters of this Presidency by means of an Irrigation law. Then, Sir, in 1909 when this Government approached the Government of India in connexion with the Tungabhadra project which was intended to benefit the Ceded districts and Nellore they were referred to the old correspondence regarding the Cauvery project. The Local Government had already spent 7 lakhs in the investigation of the project. If this Government, notwithstanding all their protestations are really in earnest in their endeavours to obtain funds for carrying on big

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irrigation projects, it is their duty to take time by the forelock and do their best to place the Irrigation law in this Presidency on a satisfactory footing.

12-15  
P.m.

"But what is it that has been done, after all this has been allowed to pass? We find that a motion is made now at the fag-end of the Council session and before it is likely to be dissolved that the Bill should be adjourned *sine die*, in other words, that it shall be shelved for the time being. But, Sir, until there is legislation on these lines, we feel that the fate of the people of many districts, who for years and decades have been depending upon the construction of large irrigation projects to be relieved of their miseries, will be doomed for ever. The Government of India say, 'We cannot sanction the irrigation project.' That is, Sir, a most lamentable state of affairs which this Council ought not to tolerate.

"I am not able to follow my hon. Friend from Coimbatore when he made a suggestion that the sections relating to zamindari areas may be deleted."

\* Mr. C. V. VENKATARAMANA AYYANGAR :—"I only suggested that as the last alternative."

\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"It is not possible to do that. It often becomes necessary to take the water through the zamindari areas. Unless powers are given to carry the water through those areas, it is not possible for us to solve the problem. It is, therefore, necessary to consider all the provisions together and arrive at a satisfactory conclusion. In passing this motion for adjournment, are they prepared to go along with my hon. Friend from Coimbatore? I yield to none in feeling that some of the amendments are so objectionable in character and affect our fundamental rights to such a large extent that we cannot consent to them at all. The one amendment to which I attach great importance is that which takes away the power given to this Council to fix the water-rates and drainage charges and have them settled by an Act of the local Legislature. This Council, Sir, said regarding both the points that the water-rates and the annual charges should be determined by the local Legislature. I am glad to state that at the closing speech of the hon. the Law Member, he referred, as if with an air of satisfaction, particularly to this important point, and what he said in connexion with this point was to this effect: 'A notable change has been effected in the Council fixing the rates.' It may be he was presenting his own views, but we find that, so far as this important question is concerned—I do not know whether it is due to the Local Government or the Government of India,—the Government have given a set-back to the salutary principle. We find that a similar attempt was made in the case of the Land Revenue Bill to bring the questions of taxation within the purview of the Legislature. These amendments and other amendments deserve the strongest opposition so far as this House is concerned.

"The amendments brought are so radical in their character that, I think, Sir, but on that account the House should not put off the Bill, because the result is practically to deny all justice to those who are in need of such a measure. I only ask this House to remember whether they will not lend themselves to the complaint, that, while they were eloquent in asking for some schemes of irrigation being taken up, they have now taken a step, the result of which is going to be that we shall have no irrigation project. That is the most retrograde step which we can take. There is, nothing in



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which the inhabitants of the rural areas are so much interested as in the question of irrigation. If we, by any act of ours, wish to make them understand that we are parties to a step whereby it is not possible for them to have large irrigation projects, I believe, Sir, we will be miserably failing in our duty. Let us not take that step. Let us make up our mind to have the irrigation projects. Let us consider the amendments which are considered objectionable. Let us have the Irrigation law. But, if we take the other course, I think we will be failing in our duty."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Mr. President, Sir, I am in a somewhat delicate position to-day. I will presently explain as hon. Members are anxious to know the why of it. Hon. Members will remember that during all the stages of this Bill, I was one of those who heartily supported the Bill to the best of my ability. But something tells me that something is wrong somewhere. Arguments were advanced now against the motion made, which were directly contradictory to those that were made yesterday or the day before. (A voice: 'Not at all.') If the hon. Member will bear with me for a moment; I will tell him how. We have been told that this Bill has been hanging fire for three or four years, and that it is time it is taken up and finished. I think yesterday it was said from those benches that the Religious Endowments Bill had been hanging fire, that it was hurriedly passed into an Act, that the present Bill was a re-enacting measure, and that a long time was required for its consideration."

\* Mr. C. V. VENKATARAMANA AYYANGAR :—" We said that this House had no time to consider that Bill. But the House had time to consider this Bill, the Irrigation Bill."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" It will be remembered that this very Council considered numerous amendments of the nature of amendments to this Bill. We were also told yesterday that no Bill of such far-reaching consequences as the Hindu Religious Endowments Bill could be discussed at the fag-end of a dying Council, as some one put it. But, to-day 'the dying Council' seems to be perfectly competent, perfectly alive,—very much alive, Sir,—to discuss this Bill and the amendments and alterations proposed by His Excellency the Governor, though every one of us here knows that there are certain provisions to which some of us cannot be a party, for instance, the provision regarding the taxes. (A voice: 'Why not say it?') I do not want to take a lesson from you."

\* The hon. the PRESIDENT :—" Order, order. The hon. Members must address the Chair as much as possible."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am not going to take any cue from Members opposite. I suppose I am perfectly in order now."

"The district which I represent to-day, and represented in the earlier Council, both the districts are districts in which you will find more delta land and more irrigated land than dry land, and the reason why I have to support this Bill in all its stages is because of the advantages which the Bill is expected to confer on the people of many districts."

"It seems to me that there are certain considerations which are very directly concerned with the adjournment of the motion to-day. Not only are they so directly concerned, but there are even certain constitutional issues of a grave character involved in it. You will notice that this Bill was piloted,

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after the Bill of Sir K. Srinivasa Ayyangar was thrown out, by the hon. the Law Member, Sir C. P. Ramaswami Ayyar. 'To-day, we do not find him on the Treasury Benches. He has gone to the upper regions, beyond the seas.' (Laughter.)

\* The hon. the PRESIDENT :—“ Order, order. \* The remark is likely to be misunderstood.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ Far be it from my mind. I wish him long life, and I want him to come back here to pilot this Bill. But, what I meant was this when I said there was a constitutional issue involved. My knowledge of constitutional history of other countries is limited,—I admit it is meagre. But, I must mention that this is the first instance in which I have found a Member of a Government giving up his place, when two important Bills were pending in the Legislative Council and going, no doubt, to a superior place. Sir, the only instance that I know of is that of Mr. Montagu, who left England and came over to India. But it will be remembered that he came over to India in the discharge of the duties of his office. Not that I have any objection, Mr. President, in this case, to his having been lifted up to that superior position. It is an honour rightly due, and which, as a member of this Presidency, I am proud of. But that is altogether a different matter from the constitutional question referred to.”

Dr. P. SUBBARAYAN :—“ On a point of order, I would ask the hon. Member what is the relevancy of all this.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ It is perfectly in order. Without the slightest reflection on those now on the Treasury Benches, I must say that it is a handicap to those who have worked with him to have to fall back upon anything of what he might have said before. But considering that the hon. Member is coming back to this Council again and sit in his place, and that it is only a short vacancy, I should like to know what the objection is to the question being taken up later on. I want to raise a constitutional issue, and the Government to give me an explanation whether they know of any instance in any representative Council wherein a Minister left his place and went to a position like this, and if that is not so, this Council owes it to itself that it should demand the reasons why such a step should be taken.”

12-30 p.m. “ Sir, there is no other occasion on which I could raise this constitutional issue.”

Dr. P. SUBBARAYAN :—“ May I ask what the relevancy of this matter is ? ”

\* The hon. the PRESIDENT :—“ Raising a constitutional issue is no doubt interesting but I suppose the hon. Member is raising it only as an argument for supporting the motion before the House. I think he has dwelt long enough upon that aspect of the matter and he may proceed to more impersonal issues.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ With your kind permission I may say that I was referring to this matter expecting some answer from the Government. May I suggest to you and may I crave your indulgence to permit me to say this ? When a constitutional issue of grave



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importance arises, when there is no other opportunity of mentioning it except by going to the press or to the platform and when such an issue is directly concerned with the administration of the country and with the conduct of the proceedings in the Legislative Council, is it wrong to take an opportunity of this kind . . . . .”

Dr. P. SUBBARAYAN :—“ May I again point out . . . . . ”

\* The hon. the PRESIDENT :—“ The hon. Member has raised the issue, and the Government will answer it, if necessary.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ I am satisfied. The hon. Sir Ramaswami Ayyar is not here and he was in charge of this Bill; he was presiding over the Select Committee and even Mr. Legh who was assisting him throughout is now on leave. I made certain representations to which I received certain replies. How can I ask the present Member to say anything about it? The present Member may say that he wants notice and that he cannot do anything. That is the difficulty we feel. There are many questions of importance as has been admitted by the other side. Taking everything into account, there will be no difficulty to the people if we are to put off the Bill for a few days. I have another reason . . . . .”

\* The hon. the PRESIDENT :—“ The hon. Member was not in his place when the motion was made. The motion is that the adjournment be *sine die* and not to a particular date.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ It does not affect the matter. What I was saying is this: there are certain matters which require very careful consideration, for instance, the issue about taxation, the issue about special contracts. There is the Polavaram project in Godavari district. If this Council should decide contrary to what is intended in the message, it is quite certain that it will be certified. I will be glad to negotiate with the Government if they are willing to condescend to some terms. With reference to the question of taxation the Government are not prepared, at any rate His Excellency is not prepared, to leave it to the Legislative Council but they leave it entirely in the hands of the Government. On that point again, if we drive it to an issue to-day it is possible that we may be able to pass it in the Council but it will be left to His Excellency the Governor to certify the provision as it was sent to us. Would it not be advisable, would it not be feasible, would it not be politic to wait for a few days and try to convince the Government of the justice of our demands so that a sort of compromise might be effected and a measure acceptable by His Excellency, by the Government and by this House might be devised? Would it not require some time? This Bill is not like the Religious Endowments Bill where one party is determined to pass it and the other party to oppose it. This is a case in which the Government are not directly interested and the Council also is not directly interested and therefore this is a case in which it is possible for certain arrangements to come to between us. Some little time is required so that we might wait in deputation on His Excellency or upon the hon. the Revenue Member and place our case before him and show how the amendments work against us and against the interests of the people. I feel that if these amendments are rejected, they will be certified by His Excellency. Some difficulty is felt by the ryots in my district. I cannot either reject the amendments or support them. If I support them

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I will damage the cause of the ryots in my district, and if I reject them they will be certified by His Excellency the Governor. This is a clear case in which some time is necessary for the purpose of carrying on certain negotiations. You will see, therefore, the necessity to wait upon His Excellency and the hon. the Revenue Member and try to convince them of the justice of our demands. No doubt we received copies of the amendments some time ago. Very few of us read them at the time. It must be urged that these are important matters and of grave consequences and I think that we would not be doing our duty if we rush to oppose and reject the amendments. I am very sorry for the use of the words '*sine die*'. But I hope that the Government will consent to bring forward the Bill so that it might be discussed soon after the new Council meets. If that is done, I think we will be satisfied. It will be in the interests of the people themselves to do so. I appeal both to the Government and to the hon. Members opposite that some such arrangement should be made."

Mr. K. KOTI REDDI:—"Sir, I am really surprised why this motion for the adjournment of the consideration of the Irrigation Bill is brought forward. I am not very much enamoured of the Irrigation Bill that has so far been passed, particularly of the obnoxious chapter on Special Contracts in the Bill, on which some of my hon. Friends seem to rely so much for their rights. The Government and the hon. the Law Member have been telling us in season and out of season, whenever we press on them for some irrigation works in our districts, that such schemes could not be taken up for want of a proper Irrigation law. We have all been anxiously waiting for that law being passed and for the benefit which the Government have promised to confer upon us as soon as the law is passed. We are told that the Irrigation Bill could be postponed for ever. We, in the districts which are affected by famine, particularly in the Ceded districts who have been anxiously looking forward for some big schemes to be taken up as early as possible, cannot agree to the postponement of this Bill. We have been told that there are very important provisions in the amendments that have been suggested by His Excellency which require time for consideration. Sir, we were furnished with copies of amendments long before and we have considered them seriously and devoted enough time on them. I do not see why more time and attention is necessary. There seems to be some fear on the part of some hon. Members that even if we do not accept the amendments that have been suggested by the Governor, they will be certified. I am not afraid of such a course of events. The Council must be prepared for it. We must be prepared to give our true opinion; if His Excellency the Governor is prepared to certify the amendments, let him do so and take the chance. With regard to the provision conferring power on this Council for taxation purposes, the Government are exercising that power at present and how are we, in any way, better for postponing this Bill? If we are prepared to reject the amendments suggested by His Excellency the Governor, we shall do so. If the Government are prepared to certify them, let them do so and let us show our own mind."

"The reference regarding the absence of the hon. the Law Member who had been piloting this Bill seems to be quite irrelevant. Law Members might come and Law Members might go. There is always one Law Member who can do the business as well as any other. The previous Law Member



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may not be here; that is no reason why the Bill should be put off for ever. The very fact that His Excellency is not willing to accept the Bill as passed by the Council shows that he is not willing to agree to the negotiations that have taken place between one section of the House and the hon. the Law Member. If it is not so, His Excellency would not have suggested the amendments sent to us. We cannot rely upon those negotiations . . . ."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"It is not a matter of right. They will help us."

Mr. K. KOTI REDDI :—"It has been said that we took a different attitude with regard to the Religious Endowments Bill, that we pointed out that the Council was dying or about to die and that that Bill should not be taken up. It is not so. As one hon. Member has already pointed out, the Religious Endowments Bill is quite new to a large section of this House, at least 50 per cent of it; whereas, the Irrigation Bill was discussed during the term of this Council. I appeal to hon. Members to take into consideration the fact that the Government have been putting off large schemes from which some of us expect some benefit, since an Irrigation law has not been passed. Some hon. Members come from parts like Godavari and Kistna where there is plenty of water already. Some consideration should be shown to the people who come from dry parts and who expect some advantage to be gained from this Irrigation Bill, although I personally believe that the Government can do something for these districts apart from the fact whether the Irrigation Bill is passed or not. Taking the Government at their own words I wish to see that the Bill is passed at this sitting of the Council and I therefore oppose the motion before the House."

\* The hon. Mr. N. E. MARJORIBANKS :—"Mr. President, Sir, the Government understand that a considerable part of the House favours the course which this motion involves. Therefore they have considered the matter carefully as to the position they should take up with reference to it. The matter is a very difficult one because, although some amendments which have been recommended by His Excellency deal with points which I see from the record of the discussion in this House were well debated, yet there are certain very important points which, so far as I can find, were passed without any discussion whatever. I refer more particularly to the amendment regarding the taxation clause which raises a very large and important issue and the Government feel that it would be well that the matter should come up before the new Council rather than that this House should be called upon to vote on such an important matter on the eve of an election. The reason is very much the same as that which was more eloquently urged by the other side in connexion with another Bill (laughter) except that in the case of this Bill there is not the same consideration of urgency. I do not think that the matter will suffer because there is no likelihood of big projects being delayed on the Government in any way diminishing their activities in the direction of improving irrigation works on account of the fact that this measure is delayed for a few months longer."

\* Mr. C. V. VENKATARAMANA AYYANGAR :—"What about the Mettur Project in the Coimbatore district?"

12-45  
p.m.

\* The hon. Mr. N. E. MARJORIBANKS :—"If the hon. Member refers to the project which is nearest his heart, that is the Upper Bhavani Project, it is not possible to take any steps for a year or two."

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\* Mr. C. V. VENKATARAMANA AYYANGAR :—"I refer to the Mettur Project."

\* The hon. Mr. N. E. MARJORIBANKS :—"The Mettur Project is proceeding as it was originally proposed (laughter) and I do not propose to enter into details. Some hon. Members have pointed out that there exists a very strong difference of opinion in connexion with this Bill and it has been pointed out by the hon. Member for East Godavari that it would be well to give time for consideration, so that the Bill might have a chance of becoming an enactment. On these grounds, the Government have on the whole decided to accept the motion. The form of the motion seems to have created some misapprehension. I venture to think that *sine die* does not mean for eternity. (Laughter.) It merely means that the date is not fixed."

\* Mr. S. SATYAMURTI :—"On a point of order, Sir. May I ask you, Sir—it is for you to decide the matter—what does adjournment *sine die* mean in Parliamentary practice and in this Council?"

\* The hon. Mr. N. E. MARJORIBANKS :—"I would like to say, Sir that if a motion is carried that the House pass on to the next item of business, that would mean that the matter is disposed of finally. So far as this motion is concerned, we are not fixing the date. I say, for the reasons which I have indicated before, it is for the House to accept the motion."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, Sir, the new Member for Government who is in charge of the Irrigation portfolio comes forward and says that there is no hurry to pass the Irrigation Bill for any project in the near future. This is rather a very surprising statement from him. I only refer, for his information, to the statement made by the previous Law Member when he introduced this Bill. He said that he could not proceed with the Mettur Project; he said he could not proceed with the Tungabhadra Project and with many other projects and he referred this House to the various despatches of the Secretary of State and the Government of India. Sir, I am only quoting from the speech of the hon. the Irrigation Member. On the 6th February 1924, when he introduced the Bill he said :

"Speaking on this matter in the year 1905, the Government of India said this. They were asked on that occasion for a large loan in regard to the Cauvery Project, and what did the Government of India say? They said :

"The Government of India, as at present advised, are decidedly of opinion that legislation is necessary in Madras in order to secure to Government such power of control over the waters stored for irrigation as will enable it to make the best possible distribution thereof and to prevent embarrassing litigation, although they will be prepared to consider the present scheme when they have received a satisfactory reply. Even in the event of the sanction of the Secretary of State being accorded, they would be reluctant to authorize the commencing of construction until the Irrigation law has been placed on a satisfactory state."

"They said this in 1905. We again approached them with regard to a large irrigation project in 1909. What did they say then? They said :

"I am to invite attention to the correspondence of the Government of India in which the Government of India have expressed their reluctance to authorize the commencing of construction of the Cauvery project until the Irrigation law has been amplified so as to secure for the Government such power of control over water made available for irrigation at public expense as would enable the best possible distribution in the supply of water and to avoid embarrassing litigation. The Government will therefore not be able to recommend the undertaking of such a large and costly scheme as the Tungabhadra project until the necessary legislation has been made."



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"Again, Sir, he referred later on :

'Take again the Mettur scheme. What will it mean? We have an extent of a quarter of a million acres which will become available for irrigation, and irrigation will be on the same lines as in the Cauvery delta. That region will be a garden whereas it is practically barren and desolate to-day. I have only recounted the two most important and largest schemes. There are tens, dozens, and hundreds of schemes awaiting development. Wherever we turn we are handicapped by the lack of legislation, and it is for that reason that successful administrators have failed to achieve a solution of this problem of agricultural depression.'

"Again, Sir, he stated :

'The rest will come of its own accord. Shall we contemplate with equanimity the possible delay of a year more? Because so far as the present state of things are concerned, shall we not hope that we can go up to the Government of India before this Budget and ask them for funds for some of our bigger projects? We know Madras is the Cinderella of the provinces. The other provinces are nearer the throne of grace. Bombay and Calcutta can always get money and Madras cannot. Our voice is impotent. Other provinces are able to get more than ourselves.'

"With these arguments, Sir, he was able to introduce the Bill.

"Now the Government say that there is no hurry for an Irrigation law and that it can wait for the next Council. I am not able to understand what induced the Government to take this attitude. At every stage of this Bill, when some of us wanted time to consider the most important measure that was put forward by Government, they said that they cannot take up any of the projects, that they cannot proceed with the work, they cannot apply to the Government of India for a loan unless they have got an Irrigation law. Every one of us will clearly remember that I moved a motion that the introduction of the Bill be delayed for at least a month or so. Even then, the argument advanced was that the Government could not wait for any time and that they must proceed with the Bill. Now, Sir, what is the position in which we stand? Immediately after the Irrigation Bill was passed a resolution was tabled by the Law Member that this Council should approve of the Mettur project. On the understanding that the Bill will become law with such modifications as do not affect the provisions of the Irrigation Bill which concerned the Mettur project we gave our consent. As soon as this House voted for the project and the Secretary of State sanctioned it, the Government incurred enormous expenditure. I think this House was intimated that a sum of Rs. 4 lakhs and odd was certified by His Excellency the Governor for expenditure on the Mettur project and on another occasion a motion for 3 lakhs was brought forward and I then raised the question whether we were justified in spending so much money upon this project before the Irrigation Bill became law. I only crave the indulgence of the House to go through the debate when that supplementary grant was brought forward. This was on the 7th November 1925. I raised the question that this project involved the levy of Rs. 15 rate on the new area to be brought under cultivation; and the betterment or the improvement tax to be levied on the existing delta area and various other questions that are involved. Now again, regarding the Polavarani project, they levy a rate of Rs. 11-8-0 per acre for the successful working of the project. It is an admitted fact that a contract was entered into between the Government and the owners of lands, but we were told that such contracts cannot be covenants running with the land and the levy of very high water rates is not possible under the existing law, and a great amount of money was incurred on these projects, on the understanding that we, or rather the general tax-payer, will have on the statute book an Irrigation law. Now,

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it is surprising to hear from the Government that they do not want an Irrigation law for these projects. Is there any consistency in the position which the Government take?"

\* The hon. Mr. N. E. MARJORIBANKS :—" I have not said anything of the sort."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—" If I understood the hon. the Leader of the House, what he said was that they did not want an Irrigation law at present and that they could wait for some time."

\* The hon. Mr. N. E. MARJORIBANKS :—" For a few months more."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—" And, what is the basis on which they are going to incur expenditure during this year on the Mettur project or on the Polavaram project? Is not the general tax-payer concerned in the matter? Is not the general tax-payer assured that there will be an Irrigation law before his money is spent on the projects and these projects pay for the general tax-payer? Unless there is an Irrigation law which enable Government to levy the high rates of Rs. 15 and Rs. 11-8-0 an acre, what is it that the Government propose to do? We were made to understand that there is a large section of this House which does not want to proceed further with this Bill. The Government could have taken their advice privately. . . ."

\* The hon. Mr. N. E. MARJORIBANKS :—" I did not say that. I said a considerable section of the House did not want to proceed with the Bill."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—" A large section?"

\* The hon. Mr. N. E. MARJORIBANKS :—" I did not say, 'large'."

1 p.m. \* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Now, Sir, he has stated that he was made to understand that a considerable section of this House wanted an adjournment of this subject. What does it mean? The other side wanted the dropping of this Bill and he has consented or agreed to drop the Bill."

\* The hon. Mr. N. E. MARJORIBANKS :—" No, Sir."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Yes, he has agreed to drop the Bill for the present. Can this Bill be put again before this Council? The Government will have to introduce a new Bill, a revised Bill and go through all the stages. What is the expenditure that has been incurred on account of this Bill and why should they not come to a conclusion early enough? The first message of His Excellency returning the Bill was dated 6th January 1926 and there was sufficient time for the Government to make up their minds either to proceed with the Bill or to drop it. They waited for more than seven months and now say that they are going to respect the feeling of a considerable section of this House to postpone the consideration of the Bill. This is a very undesirable attitude which the Government are taking after so much waste of public money over the consideration of this Bill and, I may say, waste of public time. More than 42 Members were Members of the Select Committee on this Bill; they were made to deliberate over the Bill at Ootacamund at an enormous cost for a number of days and again in this House we had to discuss it; and the Bill was passed in this House unanimously, without a single protesting voice,—if I remember aright, there was not even a division at the third reading of the Bill. The very taxation



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provision which was referred to by the hon. the Leader of the House was suggested by the hon. the Law Member himself during the Select Committee stage. If he does not find any reference to that portion of the Bill in the second stage of the Bill in the Council, the House is not responsible for it. The hon. the Law Member then took the view that a provision in that form was practically giving power to the Legislature to have their own way. We have the satisfaction that as far as the present constitution allows, we have got legislative control over taxation. So long as Irrigation is a reserved subject, the power of certification is there under the present constitution. We expected Land Revenue and Irrigation to be transferred subjects under the Reforms, and that this difficulty of certification would be removed. Supposing the Bill, as it is, was in the form of a taxation Bill; then what is the effect? Even when it is a transferred subject, if the Government has got a right to levy taxes, this House will have complete control over the Minister who will be in charge of Irrigation or Land Revenue and to ask him to change the rates. The moment you make it a transferred subject, you make it fit to be controlled by this House. Therefore, even then there would be no difficulty. In this case, perhaps it is accompanied by the ununderstandability on the part of this Government or on the part of the Government of India as to how the provisions would work.

"Now, Sir, it has been said that the present Member was not in charge of the Bill throughout. Are we to block the Bills because of that? So far as the Government Members are concerned, the Bill can be proceeded with, whatever might be the change in the personnel of the Government. If really the Government do feel any difficulty in the matter, they can come forward and say 'we drop the Bill'. Why should we take the responsibility of saying that we do not want to proceed with this Bill? After all, when the ultimate stage is reached, we will have the satisfaction that even the Governor or the Viceroy has consented, on account of its being a reserved subject, to most of the existing provisions of the Bill; and the only difference would be that of referring the amendments to this House. Sir, those are the points that have to be considered. There will always be some difference of opinion between His Excellency and this Council so far as the reserved subjects are concerned; but there is no use of this Democles' sword hanging over us.

"It has been advanced by the Mover of this motion as an argument that we have got two more Bills—the Malabar Tenancy Bill and the Hindu Religious Endowments Bill—to occupy the time of this House. My first answer to him is that this Bill was the first Bill that was introduced in this Council by the Government. Are we justified in burying it now and taking up a new measure? My second point is that the Malabar Tenancy Bill may occupy a considerable time. What perhaps he is not aware of or he cannot prophesy with sufficient clearness is that the fate of the Malabar Tenancy Bill will be no better than that of this Bill; because on many vital matters the Government differ from the Council and the Bill is likely to be returned for consideration. It is clear from what was stated that so far as the executive is concerned, they are prepared to advise the Government not to accept the Bill in the present form. Then, if this House does not consider it, its fate is sealed. Whether His Excellency can give his consent to the Bill after the dissolution of the Council, that is quite a different question; but if His Excellency wants to return the Bill to this House for consideration, he

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must do so before the dissolution. I see a shake of the head on the part of the Advocate-General, Sir. I shall be happy if the provisions do allow such a return in the case of the Malabar Tenancy Bill. If that be the case, this Bill also may be considered by the next Council. Will he shake his head when I say that this Bill also may be considered by the next Council for the same reasons? (Laughter.) I know the great interest with which the Mover of this motion watches the interests of the zamindars, but I do feel, Sir, that the interests of the zamindars will not suffer if this Council is to deal with this Bill."

Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, many considerations have been introduced, whether or not they are relevant to the motion under discussion. We are now in this position. An Irrigation Bill has been passed by this Council. This Council by an overwhelming majority and practically unanimously on both sides have laid down that, so far as taxation proposals are concerned, they should be embodied with the consent of this Legislative Council. It has also laid down that in regard to irrigation by percolation of water, it shall not be charged. These are the two main points on which a reference is now made to this Council for reconsideration. The Government of India or the Governor has said that the Council should not have the final authority in the matter but that the executive should have it. The Government have also said that the income from tax on irrigation by percolation is very much and it would therefore be impossible for the Government to consider the Bill as passed by this Council. Now, I ask my friends on the other side whether they are going to yield on this point. (Cries of 'No'.) I am glad for that assurance that they think that this Bill should be passed somehow with a view to set the scheme into operation which is long overdue. Then, would it not be more honest to say 'we will co-operate with you and pass the Bill as suggested by you and you need not certify it; but you will allow me to go on with the scheme'. Otherwise, Sir, it comes to this: I know my friends on the other side are anxious to thwart the work of the Government through the Council. Here is a Council that passed a Bill: here is an executive Government which says 'we shall not accept the Bill except with the amendments that we suggest'. What do my friends gain by refusing to accept these amendments and thus giving a chance to the Governor to certify the Bill. What will be the better thing? Would it not be better to make it impossible for the Governor to certify it? (Cries of 'No'.) My friends have become very keen and alive to the need for a bad law, because they can go to the country and say 'we opposed the Government, here is a Satanic Government which wanted to pass . . .'. (A voice: 'Why not'?) If really they are sincere about what they say, if really they want a Bill, let them co-operate with the Government. Because, if we do not pass these amendments, either the Government will reject it or they will drop it once for all. If they drop it, it will not improve matters; but if they certify it, my friends on the other side would only be helping the Government to certify it. I am very anxious to take up the opportunity, Sir, to say that we will not press this Bill in the Council. I cannot understand why Government should say that this Council should accept the amendments; probably they expected the Council to co-operate with them in passing the Bill with all these amendments. If my friends contemplate that the new Council will somehow or other co-operate with the Government and pass the Bill with these amendments, let them not press for it now but leave it to their friends which will come later. All the same, Sir, one of two courses is open to this



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Council. I am one of those who supported the Bill when it was introduced, which took away and confiscated the rights of zamindars. I do not mind whether the zamindars lose anything or not; but so far as the ryots are concerned, their rights also have been taken away. I also said at that time that the Bill provided nothing for improving the relationship between the zamindars and the ryots. I will be the last man to give a chance to the Government to certify the Bill and make it impossible subsequently to modify the provisions. My friends say: 'No, we will allow them to certify it, we will give them the chance of certifying it.' I for my part should say that it is better to leave this legislation alone and let them try their hand again with the second Council and let them also have the chance of getting their co-operation with reference to the amendments than to go ahead with this and give them a chance to certify it."

\* Mr. S. SATYAMURTI:—"Mr. President, Sir, I must congratulate my hon. Friend from Chittoor on his specious plea that by flying away from the fight he is really fighting. He says that both sides are agreed that certain at least of the amendments recommended by the Governor should be rejected by this House; but what is his advice? 'Do not reject it. Fly away from the fight'. And why? 'You do not thereby give the Governor a chance to certify'. But he forgets the Government of India Act; because if this House turns down all or any of these amendments, the Governor is not bound to certify the Bill. The Governor may, but the Governor may also drop the Bill by not giving his assent to it; and the Bill will lapse after the dissolution of this Council. Therefore, whatever you do, it is still open to the Governor and his advisers if they are reasonable, to see that the Bill is accepted. But, apart from that, Mr. President, whether the Statutory Commission comes in 1929 or earlier, I have no doubt that if they examine the legislative output of the Madras Government either in quantity or in quality, they will consider the Madras Government as it is now constituted is thoroughly unfit for any kind of responsible Government whatever. (Cries of 'Absurd'.) There are three capital legislative measures of this great Government. Take the Hindu Religious Endowments Bill; it was passed, kept in abeyance for months and months, then said to have been reserved, sent up to the Governor-General, sent back here, sent again to the Council with amendments, wrong rulings given here, and finally."

\* The hon. the PRESIDENT:—"What did the hon. Member say?"

\* Mr. S. SATYAMURTI:—"Wrong rulings given here."

\* The hon. the PRESIDENT:—"I do not think the hon. Member is justified in characterizing the rulings of the President as wrong. He has to accept the President's rulings whether he considers them right or not. On the floor of the Legislative Council, no Member can be allowed to characterize the ruling of the President as wrong."

\* Mr. S. SATYAMURTI:—"May I submit, Sir, that you have yourself ruled otherwise since . . . (The hon. the President: 'What?') I will explain myself, Sir. With regard to the amendments which were sent down by the Governor those, notice of which was given by hon. Members, were ruled out by the then President. You have since ruled, Sir, that . . ."

\* The hon. Mr. T. E. MOIR:—"I am afraid the hon. Member is raising a discussion which he might have raised on an entirely different Bill but not now."

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\* MR. S. SATYAMURTI :—" I quote, Sir, the wrong rulings, because you have since given . . . "

\* The hon. the PRESIDENT :—" A ruling as long as it stands is right."

\* MR. S. SATYAMURTI :—" It does not stand."

\* The hon. the PRESIDENT :—" Then the hon. Member ought to say it does not stand."

\* MR. S. SATYAMURTI :—" Rulings which you have not given, Sir, with respect to a similar matter subsequently . . . "

\* The hon. the PRESIDENT :—" I must ask the hon. Member to withdraw the expression 'wrong ruling'. (Cries of 'Withdraw')."

\* MR. S. SATYAMURTI :—" I withdraw that expression; but I wish to quote the rulings which you since gave on a similar matter. That is all I am submitting, Sir."

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"Then we have the Madras University Act with regard to which we have been asked to suggest amendments. Thirdly, we have this Act. Let us look at the melancholy history of this Act. As my Friend from Nellore pointed out, we had a Bill introduced by the late lamented Sir K. Srinivasa Ayyangar; this House turned it down. The then Law Member, Sir C. P. Ramaswami Ayyar, appointed an *ad hoc* committee, spent a lot of the tax-payers' money on having the meetings of that committee at Ootacamund and produced a laborious report. The Bill came again before this House. A select committee was appointed and numerous amendments were moved both in the Select Committee and in this House. At that time, many members on either side of the House vied with one another in pointing out to this House that the Bill was an emergent measure and that no time could be allowed for the amendments. May I just read one extract, Sir, from the speech of the then Law Member, Sir C. P. Ramaswami Ayyar, who referring to the urgency of this measure said :

"I have placed before the House a list of various projects which have been delayed or held up owing to the non-passage of the Irrigation Law. It is not only a complaint of the Government. In certain tracts the want of water is felt so much that the inhabitants of the locality concerned come forward and say to the Government "We are willing to pay a higher water-rate than the normal and prevailing rate. Will you construct such and such irrigation project, so that you might bring relief and succour to this particular locality?" Our answer has been "We cannot", because it has been ruled by our legal advisers that such engagements bind only the immediate contracting parties and do not in legal language "run with the land". The result has been that where the inhabitants have been solicitous of progress of irrigation, we cannot make such agreements possible according to law."

"The hon. Member, Sir, then indignantly asked this House : "Shall we contemplate with equanimity the possible delay of a year more?"

"So he spoke on the 6th February 1924. On the 27th August 1926, we are told by his lineal successor that three months' delay does not matter. What are we speaking about, Sir? Does this Government mean serious business or is it playing with this Council? Was the Law Member right or was he not? When he opposed a similar adjournment motion and said on 16th February 1926 that he could not wait for a year more, his own successor to-day says 'we can wait for three month more'. It seems to me, Mr. President, that there must be some explanation behind it. Yesterday, Sir, when I asked the Leader of the House whether a friendly or a collusive motion was going to be made, he blandly denied it. To-day . . . "



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The hon. Mr. N. E. MARJORIBANKS :—"I did not deny, but I declined to answer."

Mr. S. SATYAMURTI :—"He blandly declined to answer the question, but the result shows that the unwillingness to answer was based upon something behind it. To-day I suggest that the Ministerialist party is on the horns of a dilemma. There are unpopular amendments. If they accept them, they will lose the support of the entire electorate. If they reject these amendments, they will lose the support of the Government, the reserved half and the Governor in whose hands Ministerialist office is vested now. Therefore, they have got to choose between the devil and the deep sea. That they cannot choose, and therefore they come to this House and solemnly tell us 'Oh, no, let us not consider these amendments now!' They have not the courage to vote against the amendments, they have not the courage to vote for the amendments. That is why an obliging Government is willing to accept a friendly motion to the effect that the Bill should be adjourned. May I suggest, Mr. President, that this business should have been omitted out of the agenda of the Government if it did not want it? May I ask why they brought it on the agenda? We have received notice of these amendments, Sir, on the 9th January 1926. It was on the agenda for two sessions and why does the Government keep it on and bring it up on the agenda when, 12 hours before, the Government did not say what they were going to do with it? On the next morning we are suddenly told that the Government does not want it. It seems to me in popular assemblies, if business is to be arranged, the Leader of the Opposition should have been consulted by the Leader of the House or the Leader of the party in power. May I ask why he was not consulted? Is the Government merely anxious to exploit the House to the advantage of the party in power and ensure for them a comfortable situation? If really there was a feeling on the part of the Government that this arrangement is in the interests of the people of the presidency, may I ask why then did they not take the Members into their confidence? Why did they want this Bill to wait, and make some kind of arrangement behind our backs and then present it to the House as a *fait accompli*? Now my Friend from Chittoor says, if you really are against these amendments, why then do you allow these big discussions to take place? He asks what you want the Government to do. I do not know what I want the Government to do. I know what I ought to do as a Member of this Council, representing the rate-payers and the inhabitants of this province. We feel our duty is when a question is brought before us to discuss it dispassionately and to vote upon it. (Voices: 'Dispassionately'.) Yes, dispassionately and vote upon it. That word is unfamiliar to the Members of the Treasury Bench, I know. It ought not to be unfamiliar to others on this side of the House. I say it is not for us that every time a Bill is brought before us to think of possible certification by the Governor and to cloud our judgment with that. The Governor is a statutory authority and certain powers are vested in him. It is for him with a full sense of responsibility to exercise those powers. We are also a statutory body. We have certain powers vested in us. Let us discharge those powers and duties satisfactorily. It seems to me that possible threats of certification may be worthy of the occupants of the Treasury Bench, but is not worthy of one who is still a non-official, although he may hope to be in the Treasury Bench shortly. (Laughter.) I should also say, Mr. President, that I shall be able to answer the challenge that we have been willing to co-operate with the Government. We say this in answer to them: If really

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we are in large numbers, I think the Government here will very much more reasonable than they are to-day and then we shall not be unwilling to co-operate. ('Hear, Hear.') We shall be willing to co-operate on honourable terms, that is the only answer to this gratuitous challenge of my hon. Friend from Chittoor.

"With regard to the amendment, Sir, I heard the Leader of the House, who does not make himself heard on this side of the House—I think he will correct me if I am wrong—say that many of these amendments are very important. But all of them have been discussed very fully on the floor of the House. Why does the hon. the Leader of the House suggest that these are such new amendments that you cannot bring your mind to bear upon them in the remaining few days? Again, Sir, the Leader of the House repeated the argument. I did not expect him to do it although I expected other friends of the party to do it. That on the Religious Endowments Bill, we said, that at the far end of the Council we ought not to consider that Bill, and that we should consistently with that attitude vote for this motion. I however expect a responsible Member of this responsible Government either to have agreed with that view or not to have agreed with that. If the hon. the Leader of the House agreed, he should have voted with us. Not having voted with us that day, and to-day to say that because you said so this Bill should also be adjourned, is worthy of an exiguous politician but not of a responsible Member of a responsible Government. It seems to me, Sir, he ought to weigh his words more carefully before he used arguments because they seem somewhat plausible.

"My hon. Friend below the gangway—from East or West Godavari I do not remember—just now raised what he considered a very great constitutional question of the absence of the particular occupant of the Law Member's place on the Treasury Bench to-day. I do hope in the interests of good Government in this province such arguments will not be repeated. The Government can never die. Even in my short term of membership, I have seen that bench completely transferred. A Governor or any Member of Government can never raise the plea that he is not responsible for what his predecessors did or did not do, and no Council can tolerate such a plea. As to whether there were negotiations between the Law Member and the Members or not, they are wholly irrelevant. These are amendments sent down by the Governor. These amendments have got to be voted upon on their merits. Let us take each amendment and vote upon it one way or the other. Either this Council will, by a majority, vote for, that amendment or will not vote for that amendment. But to say that you have had no time, as my Friend below the gangway stated, to look at these amendments, even though they have been before you for nearly 8 or 9 months and that therefore you cannot consider them to-day is taking a very light-hearted view of the responsibility of a Member of this hon. House. I therefore suggest, Mr. President, that the Government have treated the Opposition most cavalierly in this respect. They have not taken us into their confidence. They have been parties to a collusive motion to adjourn the Bill *sine die*. May I suggest according to the analogous practice of the House of Commons that when a Bill is adjourned even three months or six months from now, the Bill drops? I speak subject to correction and I believe as a result of the new rules which the Government of India have framed or are about to frame, all Bills which are pending at the dissolution of a Council shall be deemed to



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have lapsed. The result of this motion will be that this Bill will lapse. That is the position on which this House has got to vote. I ask every Member of this House to say to himself that he is voting for the dropping of a Bill, on the speedy, if not immediate, enactment of which the Law Member, the Government and the Justice Party have stated times without number that the interests of this province intimately depended. We have got to drop it, leaving it to Government either to bring a new Bill or not. Is that a consistent position for this House to adopt and an honorable position to take? I would appeal to hon. Members to vote against this motion for adjournment which really is a motion to shelve this Bill altogether."

The House then adjourned for lunch at 1-30 p.m.

### After Lunch (2-30 p.m.).

\* The hon. Mr. T. E. MOIR :—" Mr. President, in the speech of the hon. Member who last addressed the House, there was one interesting question which he put forward on which I felt myself much in sympathy with him. He appealed to the House to endeavour to see that all the effort and the expenditure of time, labour and money in connexion with the Irrigation Bill should not be lost. It may possibly be surprising to him to learn that Members of the Government regard the question from much the same point of view, and that our attitude towards the motion which is now before the House is largely dictated with reference to that very consideration. I might perhaps be more convinced of the hon. Member's sincerity, Sir, if it were not for the recollection of the speeches we listened to yesterday in connexion with another legislative Bill. He was then quite prepared not only to throw away all the advantage that had been gained by an Act that had actually been passed but also by an organisation under that Act which has been in existence and functioning for, I believe, something like eighteen months, and I am afraid that his real attitude towards the Bill now before the House was evident in his taunt to another hon. Member, the hon. Member for Chittoor, that he ought to fight and not run away. Of course, I would admit that the fighting spirit is very contagious, and is not always without influence even on mild men like myself. But, after all, there are other considerations. This Council is not to our mind a mere field of battle. It does not exist merely in order that any particular Member may enjoy opportunities of opposing or defying the views of another, and it has a much larger responsibility upon it than can be included in any spectacular display. To us this Legislative Council is a machine adapted by limited human intelligence to equally human needs, and our responsibility as a Government is, as far as it is possible and as far as it is compatible with our own responsibility, to enable it to function. It does not function properly under political crises or when an appeal to any external method of enabling it to perform its function has to be called in and on this as on any other matter we should be exceedingly unwilling if it could be possibly avoided to call any external aid or external machinery to enable the working of the House to be carried on. I quite admit that circumstances might arise under which we of the Executive Government might feel it incumbent upon us to have recourse to such external means. But I think every Member of the House will agree with me when I say that it is only in case of need of which they are perfectly convinced that the Executive Government ought to appeal to such external motive power. Is there such a case in connexion with the Irrigation Bill? If the motion that is now

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before the House is accepted, so far as we are aware, is there anything that will have happened which it is our duty to prevent, even if we have to resort to other means of having that done which we desire to be done? So far as I know, there is not, and I think, that being so, it concerns us not to offer any opposition, but rather to support any motion which will enable this House to avoid any such external appeal, if it can possibly be done, and I think it can be done in the interest both of the working of the House and of its procedure, and in the interest of those debated questions which form the subject of this Bill and of the amendments to it, and in the interest of those who are concerned in the Bill as it may finally emerge from this Council or from another. But suppose that we insist on forcing this Council to come now in the short time at its disposal to decisions on questions which I admit have been subjected to a very great difference of opinion and that of a very high order. It is true that the material which is at our disposal, as a result of many deliberations on this question will still remain intact. But added to it will be the memory and the recent memory of a further conflict. I do not think that any Member of this House and I have certainly no desire to apportion any blame or to avoid any blame or responsibility but I do not think that any Member of this House can be altogether satisfied with the history of this question of our irrigation legislation. I have no doubt that legislation on that subject must come. But we have to admit that so far in the past its path has been strewn with failure. For myself, I cannot believe that to add or even to give a possibility of further failure on our part, is likely to improve the value of the material at our disposal. But are we not likely to do, what the hon. Member for the University deprecated, that is to say, waste a great deal of valuable material, when feeling is aroused so as greatly to detract from its value? Now, as I said that if there were any real grounds on which in the exercise of our responsibility we were bound to ask this House to come to a decision on certain points, and if we failed to get the House to agree, to seek such other courses as might be open to us, we should have to do so however unwilling and however unpleasant the task may be. But, so far as I am aware, no such reason exists to-day, or is likely to exist in the circumstances which we can now take into our calculation.

"The hon. the Leader of the Opposition made certain references to a speech of the hon. the Law Member who was at that time in charge of this Bill. A considerable amount of water has flowed down the Cauvery since the then Law Member made those remarks."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—"He has left his seat."

\* The hon. Mr. T. E. MOIR :—"I am speaking from a practical point of view. In case any Member of the House is under a misapprehension in respect of our irrigation schemes, may I say that at present there is only one irrigation scheme with which we are immediately concerned, and that the Mettur scheme. As regards that, I think possibly the hon. the Leader of the Opposition confounded it with another scheme, because, I think I am right in saying that we have been under no necessity to certify any provision in respect of the Cauvery scheme. I think the hon. Member had in his mind the Kattalai scheme."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—"I did say, Sir, that regarding the expenditure for the Mettur Project, during the vacation, His Excellency certified some expenditure. I do not know whether His Excellency certified because there was no grant from this House or not."



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\* The hon. Mr. T. E. MOIR :—"Possibly the hon. Member is referring to something in the last financial year."

\* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Yes, I am referring to the expenditure in 1925 before Mr. Moir took charge of the finances of this Presidency."

\* The hon. Mr. T. E. MOIR :—"When the hon. Member referred to the vacation I understood that he was referring to the recent vacation of the House. However, the point is immaterial. What I wished to assure the House was that so far from our being likely to come into conflict with the Government of India over expenditure on the Mettur scheme, we have as a matter of fact in our present budget asked for the sum of a crore of rupees being placed at our disposal as a loan by the Government of India for carrying on operations under the Mettur scheme. And I think I need hardly assure the House that the Government of India would never have placed such a large sum at our disposal and sanctioned the carrying on of the Mettur Project had it not been that they were satisfied that there would be no misunderstanding and that there would be no risk of expenditure on this scale being undertaken and subsequently found to have been wasted because either the constructional or financial conditions which are necessary for the scheme could not be established..."

"Further, even supposing, and I think the hon. the Leader of the Opposition anticipated that, in the construction of this scheme and in the carrying out of the distributary works, we were faced with some difficulty which within quite a short period would force us to a standstill and we found that there were some obstacles which we had not taken into consideration, I can only say this: that I know that if under such circumstances when the Government finds it necessary to come to this House and place those difficulties before them, the House would willingly and without reference to such larger considerations which a general Irrigation Bill may involve, give us the necessary legislative powers in order that we should make sure that nothing should happen to the disadvantage of the Mettur scheme or of those ryots and others who are so intimately concerned with it. I think I am perfectly entitled to place that confidence in this House or if need be, in its successor."

"I do not think it necessary to go into the prospect of other possible schemes. Because, important as they are, they are not nearly so far advanced as the Mettur scheme."

Mr. A. RANGANATHA MUDALIYAR :—"West Canal Project?"

\* The hon. Mr. T. E. MOIR :—"I think I can say that that scheme also is not so nearly advanced that any action, action as the result of the motion now before the House, is in the least likely to prejudice its prospect or postpone the commencement of its execution. On these grounds, I would ask this House seriously to consider whether a motion such as the one now before us cannot be accepted both in the interests of the House and its own prestige and yet without any prejudice to those interests on which the hon. the Leader of the Opposition quite rightly laid so much stress."

\* Mr. R. SRINIVASA AYYANGAR :—"Mr. President, I deem it my duty to oppose this motion which has the effect of consigning the Bill to the limbo of oblivion. To-day, fortunately or unfortunately for us I am unable to say at the present moment, we have the rare spectacle of the mental outlook of a large number of hon. Members of this House having undergone a radical change

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within the past 24 hours. The House will perhaps remember the arguments that were put forward from this side of the House for the postponement of the consideration of the Religious Endowments Bill. Those arguments were brushed aside and we were accused of obstructive tactics and our motive was questioned. It was said that we had come here to act in the most light-hearted fashion. And what is the attitude of the Government to-day? The hon. the Revenue Member repeated almost verbatim the arguments which we advanced in telling, forcible and eloquent terms yesterday but which were regarded as unworthy of consideration and as not entitled to any weight. Those arguments of ours have been requisitioned to-day not only by the hon. the Revenue Member but also by the party in power which practically wrecked our almost identical motion yesterday. That is an attitude which takes one's breath away.

"Now, coming to the merits of this motion, I would like to say a few words. We have been accused of inconsistency. So far as we are concerned, we are perfectly consistent; because, while the Endowments Bill was sought to be forced down our throat at a moment's notice without giving us sufficient time to think over it and consult our electorates about it, the same thing cannot be said of this Bill. It has been hanging fire for nearly two years and it was remitted to this Council as early as January of this year. There had been sufficient time for public opinion to assert itself and for the hon. Members of this House to go about the country and get themselves in touch with the current of public opinion. And, as the hon. Member for the University told us and as every hon. Member of this House knows, this Bill has been on the agenda paper of this Council for some time past and at no time any serious demand was made to deal with it in the manner in which the hon. Mover wants to deal with it now. Clause by clause it was subjected to a minute and, if I may say so, a full dress debate on the floor of the House at the time of its passing. Now, when the Bill is recommitted to this House for the reconsideration of certain vital or pivotal points by this Government independently of or with the advice of the Government of India, objection is taken and postponement urged. We have a strong feeling on this matter. So far, the messages deal only with three main points, points dealing with percolation, taxation power and jurisdiction of civil courts in certain matters. I need hardly state that the necessity of placing irrigation on a statutory basis is being recognized. There is no gainsaying that we the trustees and guardians of the people's rights do not want the things to go on merrily under executive orders and that is the reason why we are anxious that the whole thing should be placed on a statutory basis, public opinion being allowed to play on it as effectively and as fully as possible. So far as these three points are concerned what is the difficulty for this Council, which is familiar with all the various forms and shapes which the Bill has assumed through the several stages, considering it? What is the difficulty in the self-same Council being called upon to pass it?

"I wish to refer to one more point. The hon. Member from Kistna stated as a reason for adjournment that certain negotiations were going on or are about to go on. We are now in August. The message was delivered to us as early as January. Between January and August there is an interval of seven months."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Was the message of June also communicated in January?"



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\* **Mr. R. SRINIVASA AYYANGAR** :—“ That is not a point of order. I am now on the January message. Taking my stand for a moment on the June message, I suppose two months' time is a sufficiently long period for persons interested in this matter to review the situation and to make up their minds on the fundamental features of the Bill. Instead of doing that, when they knew that this Bill was coming up, seeing that it was on the agenda paper of the last month they have no justification now to come and ask for the adjournment of the matter saying that they have to carry on further negotiations with somebody. Even in a court of law on such a plea we shall not be entitled to take an adjournment much less in a Legislative Council which is a deliberative body charged with the duty of passing necessary legislation.

“ Another point was that already we are in charge of two important Bills which are likely to take up a certain amount of time and therefore let us take some rest or let us give a decent burial to this third Bill for the time being leaving it open to us to resuscitate it later on if and when we consider it necessary or when a proper opportunity presents itself. That is not an attitude which can be regarded as fair, much less, reasonable. If the same attitude had been pursued by the other side with regard to the other Bill one can understand it. With regard to the other Bill (The Endowments Bill) in spite of the fact that we had very short notice, they were anxious to rush it through, but with regard to an equally important Bill which has been before the country and before the public for a much longer period they want to go on somewhat leisurely. Therefore, the charge that was sought to be made against us, I would say, I repel it by casting it in the teeth of the other side and charging them not only with inconsistency but also precipitancy. This is a matter which has been engaging the attention of the public and we are entitled to know where we are and what the mind of the Government is. We do not want that things should go on hereafter in that unsatisfactory way, the whole thing being left to be governed or regulated by Standing Orders. Let us put up a fight on behalf of the people and try to carry it through successfully. Any further delay will be fraught with danger.

“ In regard to the absence of the hon. the Law Member about which some reference was made, I do not think it is germane to the subject under discussion. For, if that was to be one of the main planks for those on the other side, I may equally say that I have a right to expect a similar attitude from the party in power in respect of the Malabar Tenancy Bill which is to come up shortly. The hon. the Law Member was equally in charge of the Bill in the sense we understand it. Because as a Member of Government he had to come to certain decisions, and therefore his presence is equally necessary so far as the Government is concerned, to safeguard and protect the interests of the Government. I am going to wait and see the attitude or line of action which the Government proposes to adopt when that Bill is sought to be taken into consideration. Therefore, without meaning any disrespect either to the Revenue Member or to the Finance Member, I am unable to see eye to eye with them. It seems to me that so much time is wasted in holding over the Bill and I do not think, honestly speaking, that there is any justification for delaying the consideration of this Bill.”

**Mr. A. RAMASWAMI MUDALIYAR** :—“ Sir, I must confess to a feeling of 3 p.m. utter puzzlement at the way in which the discussion on this motion has gone on. I have waited to hear arguments on the other side against the adjournment and I have come to the conclusion that, after all is said and done, a

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complete change has come over my friends on the other side. I welcome it for the first time and I wish that such an attitude had been adopted many months earlier. The hon. Member from South Arcot and my hon. Friend the Member for the graduates of the University of Madras have both spoken of the coming elections. We are full of the coming elections."

\* Mr. R. SRINIVASA AYYANGAR :—" I never said a word about them."

Mr. A. RAMASWAMI MUDALIYAR :—" They are full of this and were so often reminding us that I am glad to find there is a change in their mentality with reference to the coming elections."

\* Mr. R. SRINIVASA AYYANGAR :—" I do not think my hon. Friend is entitled to refer to it."

\* The hon. the PRESIDENT :—" The hon. Member was not the only Member who spoke on that motion."

\* Mr. R. SRINIVASA AYYANGAR :—" He referred to the hon. Member from South Arcot specifically and also to the Member for the University. If he had left me severally alone, I would not have objected."

Mr. A. RAMASWAMI MUDALIYAR :—" The hon. Member for the University told us that we were on the horns of a dilemma and that we were adopting practically a dubious attitude. May I remind the hon. Member for the University that his whole speech revealed the fact that the coming elections had completely changed his whole mentality? He said that he and his party were there to consider questions dispassionately and on the merits of each as it arose. If we know anything of the political history of this country, the promises made by parties, the programmes chalked out by the parties, the conduct pursued by various parties in various Councils—I confine myself for the time being to this Council—we know that members of a certain party at one time said that they did not agree to this Bill. To-day it is this party that says that they want to consider any question dispassionately and on its merits, as it came before the House and that that was their election pledge."

\* Mr. S. SATYAMURTI :—" On a point of personal explanation. My hon. Friend referred to the programme and policy of my party. We always support a measure which tends to the improvement of the people and oppose any measure which tends to the benefit of the bureaucracy. We are therefore bound and we have been bound to examine each measure on its merits, as it comes before the House."

Mr. A. RAMASWAMI MUDALIYAR :—" There is hardly a speech of mine which my hon. Friend the Member for the University does not interrupt. I would only refer him to certain newspapers—I have no time to go into details—in which election promises and resolutions passed at party executive meetings are being published from time to time. I say that the election pledges contained in those resolutions are not the same as the statement just now made by the hon. Member for the University. That is my recollection. My hon. Friend cannot so easily contradict that."

\* Mr. J. A. SALDANHA :—" What my hon. Friend is saying seems to be quite irrelevant. He is talking about what we are doing outside about the elections. I urge, Sir, that he should confine himself to the point at issue, i.e., about the adjournment. If references to outside pledges are allowed to be made there will be an endless debate."



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\* The hon. the PRESIDENT :—" This is not the first time that a reference is made to elections. If one Member makes a reference to elections another Member has to challenge it."

Mr. A. RAMASWAMI MUDALIYAR :—" The hon. Member for the University spoke of considering questions dispassionately. I leave it to the judgment of the hon. Members of this House how far dispassionate the judgment of my hon. Friend has been in considering constitutional questions. I say his whole conduct belies that statement. He said he would consider questions on their merits. I say he has been considering questions not on their intrinsic merits but on the merits of resolutions passed elsewhere. He said he would be a gallant fighter. He is a great authority on that subject and he has discovered the mentality of Sicandies elsewhere. May I ask my hon. Friend as to why he withdrew from the fight once? The best way of fighting is to fight to the last. There are fighting fighters. It is stated that the race is not always to the swift nor is the battle always to the strong. There are fights in which a great deal of fuss may be made in which a good deal of flash and smoke may be evolved but not a single cartridge sent out. There are fighters fighting with blank cartridges. It is said that we are running away from the fight. May I remind my hon. Friend of his own conduct and the conduct of his party? Who ran away from the budget discussion? Who said that it was impossible to remain in the Council any more? Who refused to consider questions on their merits? Who was it that made the statement as the leader of the party that it was impossible to co-operate in the work any longer and why that was not carried out? My hon. Friend the Member for the University says that we want to stay away and do not want to carry on the fight gallantly, and have the strength of the Government tested. May I say it does not lie in your hands either to sit or run away from the Council? May I ask my hon. Friend and his party whether we are here to fight and make a show as if for the delectation of a certain section of people who are merely protagonists of one party or another? My hon. Friend speaks of fight. I know there are people who want to fight. But do you want us to make a pose, do you want us to create a dramatic situation? The hon. the Finance Member rightly said that we are not here merely to make a spectacular show. We are here to represent the ryots and try to do something to alleviate their sufferings. It is from that point of view and from that point of view alone that I and my friends including the Ministerial party--the Justice party--have come into this Council, and have been carrying on our work. If we stop away from the Council it will be for the betterment of those who elected and sent us here. If we are placing ourselves in a dilemma it is with a view to get some more advantage and some greater benefit to our electors, than what we have already secured to them.

"Now what is the point? Apart from all these statements let us come to the merits of the question. My Friend asks what is there in these amendments? A bare perusal of the amendments will show that His Excellency does not accept the Bill as we sent it; and what is more, there is opposition. We are here to fight. Let us fight out the issues. We are in the horns of a dilemma and let us fight. But I ask, what is the dilemma? I say that it is not the dilemma that he pictures but quite a different thing for we cannot reject the amendments or accept them. If we accept them it will be detrimental to the ryots, as I shall presently show. If we reject them, Sir,

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the sword of Damocles is hanging over our heads and we cannot ignore it. I say it is not that a Member of the Government comes forward in the first instance with these amendments so that it will not very much matter either we reject them or accept them. These are recommendations made by the Governor. It is true that we considered the Bill day after day and that we had a full dress debate on the whole Bill. But His Excellency considered it his duty to send back the Bill with these amendments."

\* Mr. S. SATYAMURTI :—" Reject them."

Mr. A. RAMASWAMI MUDALIYAR :—" Sir, is it too much to say that the sword of Damocles is very real indeed? It is hanging over us. It is not merely in imagination but it is very real. Are we to shut our eyes to all the consequences and say that we shall reject these amendments? Suppose we do examine them and say that we reject them, then the Governor may probably certify them. My hon. Friend asks what is it that will happen if we reject these amendments. My hon. Friend from Chittoor referred to two instances. I will add one more which will show that it vitally affected our decision at the third reading of this Bill, namely, those amendments that were carried regarding taxation. I ask the hon. Members on the other side if that proposal had not been agreed to, would we have readily passed the third reading? The last instance was that relating to percolation. I know at that stage it was said by members on the other side that if that clause was going to be passed they would not be a party to the Bill. They said 'we do not want an irrigation measure of this kind; we want some Irrigation Bill with some definite provision; we do not want an Irrigation Bill with this percolation clause'. So in this and a number of other instances they wanted to introduce amendments and the hon. the Law Member said that those were all really matters which ought to be done under the rule-making powers of the Government and we dropped them in the first instance. But finally we did not insert the section in our own interests, in the interests of those ryots whom my hon. Friend the Member for the University is supposed to safeguard."

\* Mr. S. SATYAMURTI :—" May I know which ryots? There are several ryots in my constituency also."

Mr. A. RAMASWAMI MUDALIYAR :—" That is exactly the difference between me and my hon. Friend. In his constituency there are several ryots. But in our constituency there is only a single ryot. We are considering this Irrigation Bill to safeguard his interests."

" Then, Sir, we made special provision that the rules and by-laws made by the Government under this Act should have the positive approval of the Legislative Council. Now what is the amendment that is suggested by His Excellency the Governor? They say that it is not fair that this sort of subsidiary legislation, legislation by rule-making power, should be taken away from the hands of Government by the Legislative Council. They merely give us another indefinite provision in its place which will not carry us anywhere. In addition to this we want that these rules should be placed before the Legislative Council for its approval two months prior to their being put into force. In these three vital points, we cannot be running away. My hon. Friend asks us to reject the amendments. He is asking us to adopt a course of conduct which will have the positive effect of enacting and certifying a legislation with the fullest approval of the Legislative



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Council. Sir, let us not confuse the issues. Let us not play at things. You may be consistent, you may satisfy your own conscience by being consistent, but it will not satisfy the people. But believe me that consistency is not a virtue with people who adopt this line of conduct (hear, hear). By adopting this line of conduct, i.e., by throwing out these amendments you will be helping the Government to enact a positive piece of legislation in the form in which His Excellency the Governor wants it to be enacted. Then again a great deal was made about this fact that in February 1924 when the hon. the Law Member insisted that this measure ought to be forthwith enacted the members of the Justice party were on their feet. As the hon. the Finance Member said much water has flowed down the Cauvery between the time when these amendments were suggested by His Excellency on the 9th January 1926 and the other day when the hon. the Law Member left for a higher place. It may be asked what we were doing from the 9th January. We had met in February, we had met in March and we had also met in July, and official business was transacted. This Irrigation Bill was on the agenda. It may be asked what we were doing all this time. We say this argument is a mistake. As a matter of fact we knew only on the 9th January and during the succeeding months that there would be many modifications to this Bill. We were certainly not precipitous. We wanted that the Bill should not be enacted in haste.

"The hon. Member suggests that we are not going to gain anything by this adjournment. But I do venture to think that we will gain a great deal. We have told the Government that we are keen on certain things much more effectively, I believe, than we would do if we were to vote down the Governor's amendments. We are requesting the Government to reconsider their position in the light of the views of the Council. Is it too much to hope that the Government will think over the matter again and revise their opinions? We are here, not fighting the Government but fighting for the people and for that it is not always necessary to fight against the Government. My hon. Friend may be under that impression; I am certainly not under that impression. Any way that is of some advantage to the people, and we shall follow. My hon. Friend has got other purposes than that of helping his electorate, and to serve those purposes he may chalk out a line of conduct for himself with which we have nothing to do. This adjournment motion gives the Government another chance of reconsidering its own position and coming to a conclusion as to what points they should insist upon. A great deal has been said as to the collusive understanding between the Government and the party. There was a time when this could be said with greater justification and where the collusion lay. But in this matter everything has been plain and above board. I have all along held that the safety of the ryots and the zamindars and everyone connected with this lay in coming to some understanding with the Government, so that they might bring in some amendments in consonance with public opinion.

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"Doubts were raised as to whether many of the irrigation projects taken up now will not be held up if the Bill was not passed. The hon. the Finance Member assured us, none better, that no irrigation project now under contemplation would be endangered by not passing this Bill into an Act. With that assurance we have nothing to quarrel. The Mettur project is going on merrily; a special staff has been appointed, a special Chief Engineer has been appointed; a great deal of money has been spent. We are only in

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doubt as regards the wisdom of certain items of expenditure. There is no doubt that the project will go on whether this Bill is passed or not. Before the Mettur project was taken up, it was said that an Irrigation Law was necessary before it was commenced. But the Mettur project has gone on before any Irrigation Law has been enacted. We hear also rumours that the head-works will have to be shifted a mile up and we do not know what the ultimate cost will be. But whatever the cost may be, whether there is an Irrigation Law or not on the Statute Book, I may say, Sir, that the Mettur project and the Government are in collusion. (Laughter.)

"As regards Coimbatore, Sir, I do not think that the Coimbatore project was ever seriously contemplated; of course, I know that assurances were given and I know what value was attached to those assurances. I have no quarrel with that project, but I do not think that for some little time to come, whether there is an Irrigation Bill or not, it will come up. It may come, and I hope it will come, but not through an Irrigation Bill. My hon. friends doubted whether the Bhavani project would be endangered by not passing this Bill. I ask them to be assured that such is not the case and I ask them to give their votes in favour of this motion so that the rights and privileges to which the ryots are entitled will be secured to them."

\* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Mr. President, Sir, whatever may be the position of the other members of the House, I am at any rate consistent. I do not think there is any reason to burke the Bill now after all the trouble taken during the greater part of a year, as it was sought to be done yesterday in connexion with another Bill. If it was necessary to proceed with that Bill for the reasons then adduced, it is equally necessary to proceed with this Bill for exactly similar reasons. This Bill also was before the Government and the people for a long time but until now it never got through the Council; and very often it was killed soon after it was born. Now, something like an end to all these troubles is in sight after the labours of both sides of the House, and I do not see any reason why we should go back to the position where we were. Is that our duty to the country and to the electors? We have spent probably a lakh of rupees already on this Bill and all that will be wasted, because Government will have to introduce a new Bill in the new Council; they cannot proceed with the old Bill. We do not know when the Government will introduce the new Bill. On the people's side there will be endless agitation. A large amount of public time and money will be wasted. Are we going to put ourselves to all that trouble and expense? and for what purpose? It may be that the Member who introduced the Bill is not here at the present moment. Objection has been taken to his absence and his conduct in going on other duty. But those reasons personal or otherwise have nothing to do with this."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Sir, I distinctly stated that there was nothing personal about it; it was purely a constitutional question, and I would have raised it whoever might have been the Law Member, even if my hon. Friend was there or any other Member was there. It was purely a constitutional issue."

\* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I said, 'personal or otherwise.'"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I suggest that the word 'personal' need not have been used."



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\* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Whatever that is, there is no reason to drop this Bill altogether. If the Member in charge of the Bill is not here, what about the other 127 Members who are here and who have been considering the Bill? If that one Member can come back here after three months and re-introduce the Bill, what about the other Members and how many of them will come back to this Council and take part in the discussion and how many will be new members who will have to consider the provisions of the Bill afresh? Is adjournment, therefore, the proper procedure in the matter? It is curious to find that the Government which were anxious to introduce a Bill and introduced a Bill which was thrown out even at the first reading, and afterwards brought forward a second Bill and passed it through several stages, should now come and say that there is no urgency about it and that they can wait and bring forward another new measure and go through the several stages once more. Does it not show that the Government have changed their views regarding the necessity and urgency of an Irrigation Act? We know that much water has flowed under the Cauvery bridge, but we are entirely in the dark as to what water has flown under the Government bridge. We should like to be enlightened about that change of attitude.”

“ There is another matter which looked rather strange to me. The hon. Mr. Moir let out one of his cats. (Laughter.) He said that if a special measure was necessary for carrying out the Mettur project, they would come to the Council and have it passed. What does it signify? Does it not show that the Government is afraid of introducing a general measure in this Council and they want to proceed by getting Bills passed with reference to each scheme as it comes up? Is that the idea? Are they afraid of facing the Council with a general Bill? If that is the Government view, that is a departure from their original view and every one here is bound to protest against it.”

\* The hon. Mr. T. E. MOIR :—“ Sir, I may assure the hon. Member that, when I made that statement, I had no such idea at the back of my mind. The suggestion is as new to me as it is to the hon. Member who is responsible for it.”

\* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Now, the hon. the Finance Member may have no such idea; but there is this danger that he may begin to entertain it hereafter with the result that no general Irrigation Bill will be introduced at all in this Council and Government may try to get whatever legislative power necessary for particular schemes with particular or special Acts. If they are going to do that, the rights of the people will be very seriously affected.”

“ It was said that we are on the horns of a dilemma; whether we pass the amendments or reject them, they will become law. Because in the latter case, His Excellency the Governor would certify them. So far as the rights of the people are concerned, we are convinced that certain provisions should not be introduced. If Government introduce a new Bill, our successors are not likely to give away the people's rights. It is their duty as it is ours to safeguard them. But even with the new Bill there will be the same procedure. After an year's labour probably the question of certification will arise as now. What is gained by the people? We do not on that account want to burke the Bill. We do not want to take the responsibility of accepting the amendments

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sent by His Excellency the Governor, if they are not in the interests of the country acceptable. On both sides of the House, opinion was practically unanimous that some of the amendments suggested by the Governor should be rejected. The proper course for us now is to reject them and leave His Excellency the Governor to take his course. If we do not adopt that course now, the only result would be that a lot of public money and time would be wasted. In these circumstances, I do not think we would fail to do our duty. In any case, this Council, as a Council, will have to express its views and leave the Government to take any step it thinks proper. Therefore, the sooner it is done, the better. Considering the necessity for the Bill, and the stage which it has reached after decades and decades of consideration, to throw it out at the present moment, I think, is quite an improper thing to do, and the only proper course for us to take would be to proceed with the matter."

Rai Bahadur T. M. NARASIMHACHARLU :—"Mr. President, Sir, I am not one of those who would run away either now or before or hereafter. (A voice : 'hear, hear.') Though single-handed, I am fighting my battle. I submit, Sir, that the effect of this motion would be to kill this Bill, if I may use such an expression."

\* The hon. the PRESIDENT :—"The hon. Member is fighting, as he said, a battle, and he need not be afraid of using the word 'kill'."

Rai Bahadur T. M. NARASIMHACHARLU :—"I am always afraid that any word I may use might be unparliamentary. I guard myself against such expressions."

"My point is this : after hearing the pros and cons of both sides, I have a shrewd suspicion in my mind that the Government do not want this measure at all. And, no wonder. They have got the executive orders and the executive orders give them ample powers. So, they need not be afraid that by not passing this Bill, they would lose any such powers at all. That is one reason why they so easily and readily accept the motion proposed by the other side."

"The hon. the Finance Member told us that any scheme of irrigation would not lose its prospect of being gone through by the non-passing of this Bill, and not only the present schemes which are before the Government but future schemes which may be brought forward for consideration will not at all be handicapped by the absence of any law or statute like the present one. I submit, Sir, that that statement gives us a clue as to the intention of the Government that they are not very much anxious about having a statutory law like the present one, which . . . ."

\* The hon. Mr. T. E. MOIR :—"Sir, I have been misunderstood. I carefully pointed out, when dealing with the question, that, for the time being, if this motion were accepted, as far as I can see, nothing was likely to occur, in the absence of an Act of this kind, to the prejudice of the irrigation scheme in the interval between the acceptance of this motion and such next step as may be taken in respect of legislation in regard to irrigation."

Rai Bahadur T. M. NARASIMHACHARLU :—"I quite follow the language used by the hon. the Finance Member. But, I cannot really understand what the Government intends to do hereafter. That is left in doubt. They may bring a fresh Bill or may not, after the present one lapses. Therefore, I cannot at all feel satisfied that the Government will bring any Bill, and that



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when they bring a Bill, it will contain the provisions which the Legislative Council has passed. Therefore, I am not at all sure, Sir, that the Government will bring any Bill after our present experience in this House. That is why I submit I have a shrewd suspicion that the Government do not at all want a statutory law on the subject at present (A voice : 'Hear, hear') because they have already executive orders which give them ample powers,—or, if I may use the expression,—arbitrary powers for irrigation purposes, and they have got the ordinary law, the percolation clause, and therefore they do not seem to be anxious to have a statutory law like this. Now, I find hon. Members of this Council—perhaps from their bitter experience—saying, 'We shall rather have no law than have a law of this kind.' That seems to be their present mentality.

"Now, Sir, one great reason that is assigned by the supporters of this motion is that if we reject the amendments proposed by His Excellency, he will have to certify them, and he will, no doubt, certify them. I, for myself, am not sure whether His Excellency will go the length of certifying the provisions if we reject them. I know, Sir, that His Excellency is a constitutional Governor. I know, Sir, that when we again reject these amendments and stick to our own amendments, that means that we have twice confirmed our view of the law, and I think, Sir, that His Excellency will be the last person in that state of things to veto our will and to enact this Bill, and I will not attribute to His Excellency such arbitrary will. He will consider twice, thrice, and four times before he would exercise the power, and I know instances, when the Legislative Assembly persisted in that course, His Excellency the Governor-General did not at all exercise his powers of veto. I am quite sure that our Governor is so constitutional that he will never exercise that power. Therefore, the fear, which is lurking in the minds of the supporters of this motion that if His Excellency would veto our amendments and certify his amendments, the people will be put to very great hardship and that is a thing which we cannot contemplate with equanimity, is baseless. That is their argument, and I can tell them, Sir, that His Excellency will be the last person to reject the considered will of this House, when we tell him, after due consideration, and with due respect, that the amendments made by him are not acceptable and that they are not for the welfare of the people. If we tell him so, I submit, Sir, he will certainly consider our view of the question and will not certify it.

"The only argument that has been advanced on the other side for adjourning the further consideration of this Bill thus falls to the ground. It is a mere nightmare in their minds. They anticipate the decision of His Excellency in favour of certification. I decline to believe that His Excellency will be so very unconstitutional as not to regard the welfare of the people and the wishes of the Members of this Council, and go the length of certifying this Bill. Let them not entertain this fear. It is but a nightmare.

"Sir, it has already been said that but for the absence of an Irrigation law, like the one in question, our Presidency would have been inundated by several irrigation works. (Laughter.) That is the hope which had been held out and all our mouths have already exhausted their water. And, now, when we are at the point of hoping, we are told we shall not have it. Why, Sir, why frustrate our hopes?

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"So far as the Ceded districts are concerned, they are a famine zone. I will point out to the Member for the Chittoor district—I do not find him here—that part of his district is in the famine zone. Madanapalle and some other taluks are perennially suffering from famine. Yet, he says we shall not have any irrigation law. What have we done? We have recommended that a committee be appointed to investigate into the matter and evolve a scheme that will bring water to these districts. If this Irrigation Bill is stifled or killed, the result will be that our reports will be shelved, and our districts will be suffering from famine for ever and ever. Of course, the hon. Member from Coimbatore always speaks of Coimbatore as the worst afflicted district. I do not grudge him that distinction, but I want him to consider that there are some other districts worse afflicted. The hon. the Finance Member himself has mentioned his experience of those districts. So I submit, Sir, my fear is that, if this Bill is shelved now, there is no prospect of the Ceded districts ever being relieved from the rigorous famine which now and then breaks out there. The question of famine relief in those districts will be postponed till the Greek kalends.

"This is not a Bill which can be postponed. The amendments must be considered and disposed of. And, then, let us leave it to Providence to work out the will of His Excellency to agree or not with our opinion as expressed in this Council.

"I wish, Sir, that we go on with this Bill."

The motion for the adjournment of the consideration of the Bill *sine die* was put and declared carried.

A poll was demanded and the House divided thus :—

### Ages.

3-45  
p.m.

- |   |   |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks.             | 29. Mr. V. Madhava Raja.                        |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 30. Honorary Lieutenant Madurai.                |
| 3. " Mr. L. E. Moir.                            | 31. Mr. T. Mallesappa.                          |
| 4. " Mr. A. Y. G. Campbell.                     | 32. " P. N. Marthandam Pillai.                  |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 33. Rao Bahadur B. Muniswami Nayudu.            |
| 6. " Rao Bahadur Sir A. P. Patro.               | 34. Diwan Bahadur A. M. Murugappa Chettiyar.    |
| 7. " the Raja of Panagal.                       | 35. Mr. C. Muttayya Mudaliyar.                  |
| 8. Mr. T. R. Venkatarama Sastriyar.             | 36. Rao Bahadur O. M. Narayanan Nambudiripad.   |
| 9. Rao Bahadur V. T. Krishnama Achariyar.       | 37. Mr. B. Obalesappa.                          |
| 10. Mr. G. T. Boag.                             | 38. " K. S. Ponnuswami Pillai.                  |
| 11. " V. Pandrang Row.                          | 39. " G. Premayya.                              |
| 12. " C. B. Cotterell.                          | 40. " K. Raghuchandra Ballal.                   |
| 13. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 41. " D. Manjappa Heggade.                      |
| 14. Mr. S. Arpudaswami Udayar.                  | 42. Diwan Bahadur P. Kesava Pillai.             |
| 15. " K. Prabhakaran Tampan.                    | 43. Pr. P. Subbarayan.                          |
| 16. " J. A. Davis.                              | 44. Diwan Bahadur M. Krishnan Nayar.            |
| 17. " H. B. Ari Gowder.                         | 45. Mr. P. T. Rajan.                            |
| 18. Rai Bahadur Sir K. Venkatarreddi Nayudu.    | 46. Rao Bahadur P. Raman.                       |
| 19. Rao Bahadur C. Natesa Mudaliyar.            | 47. Mr. K. Sarvarayudu.                         |
| 20. Mr. A. V. Bhanaji Rao.                      | 48. S. R. Y. Ankinedu Prasad Bahadur.           |
| 21. " N. Devendrudu.                            | 49. Mr. K. Sitarafina Reddi.                    |
| 22. " A. Ramaswami Mudaliyar.                   | 50. " Chavadi K. Subrahmanya Pillai.            |
| 23. Rao Sahib P. V. Gopalan.                    | 51. " R. Veerian.                               |
| 24. Mr. L. C. Guruswami.                        | 52. Rao Bahadur P. K. A. Ct. Virappa Chettiyar. |
| 25. Rao Bahadur K. Krishnaswami Nayudu.         | 53. Mr. T. M. Moida Sahib.                      |
| 26. Mr. J. Kuppuswami.                          | 54. " B. Ramachandra Reddi.                     |
| 27. Zamindar of Mandasa.                        | 55. Khan Bahadur Haji Abdulla Haji Qasim Sahib. |
| 28. Mr. R. Madanagopal Nayudu.                  | 56. Mr. Khadir Mubiddin Elyas Khan Sahib.       |



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Noes.

- |   |  |
|---|--|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 13. Mr. S. Satyamurti.                     |
| 2. " T. A. Ramalinga Chettiyar.         | 14. " T. Adinarayana Chettiyar.            |
| 3. Mr. J. A. Saldanha.                  | 15. " Muhammad Mira Sahib.                 |
| 4. " P. Siva Rao.                       | 16. " G. Rameswara Rao.                    |
| 5. " A. Ranganatha Mudaliyar.           | 17. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 6. " A. Chidambara Nadar.               | 18. Rai Bahadur T. M. Narasimhachari.      |
| 7. " M. Gangaraju.                      | 19. Srinan Sasibhushan Rath Mahasayo.      |
| 8. " K. Gopala Menon.                   | 20. Mr. R. Srinivasa Ayyangar.             |
| 9. " K. Koti Reddi.                     | 21. " C. Y. Venkataramana Ayyangar.        |
| 10. " P. Peddiraju.                     | 22. " B. Venkataratnam.                    |
| 11. " M. Sitayya.                       | 23. " J. Naganna Hegde.                    |
| 12. " P. C. Venkatapati Razu.           | 24. " C. Venkatarangam Nayudu.             |

Neutral.

Mr. L. K. Tulasiram.

Ayes 56. Noes 24. Neutral 3.

The motion was carried.

## IV

## DRAFT RULES UNDER SECTION 201 OF THE MADRAS LOCAL BOARDS ACT, 1920.

## I

The hon. the RAJA OF PANAGAL :—" Mr. President, Sir, I beg to move the resolution that stands in my name :—

*'that the following draft rule proposed to be made by the Local Government under sub-section (1) of section 201 of the Madras Local Boards Act, 1920, altering rule 10 of Schedule II of the Act be approved:—*

*Draft rule.*

*'In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government make the following rule altering rule 10 of Schedule II of the Act :—*

*'In sub-rule (1) of rule 10, after the words "district gazette" the words "in English and in a vernacular language of the district" shall be inserted.'*

"Sir, the present rule contained in Schedule II does not make any provision for the publication of the proceedings of the meetings of local boards in English and any one of the vernaculars. The old Act of 1884 contained the provision. The Select Committee which sat on the Bill of 1920 was asked to consider this question and they omitted it. But they gave no reason for the omission. In the District Municipalities Act we have the languages prescribed, that is, English and the language of the district. The object in introducing this change is to make good the omission and to bring this law into line with the District Municipalities Act."

The hon. Rao Bahadur Sir A. P. PATRO :—"I beg to second the resolution."

The resolution was put to the House and carried.

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II

\* The hon. the RAJA OF PANAGAL :—" Sir, I beg to move the next resolution that stands against my name :—

*that the following draft of the rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920, altering rules 1 and 2 of Schedule II of that Act be approved :—*

*Draft rule.*

*In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government propose to make the following rules altering rules 1 and 2 of Schedule II of the said Act :—*

*(1) At the end of rule 1 the following words shall be added, viz., "provided that no meeting shall be held on a Sunday."*

*(2) In the first sentence of rule 2 between the words "specifies the day" and the word "when" the words "(not being a Sunday)" shall be inserted.*

"Sir, there is no specific provision in the rules in Schedule II to prohibit the holding of meetings on Sundays or holidays and the local boards hold their meetings sometimes on holidays. As hon. Members are aware, holidays are intended for taking rest. If the meetings are held on Sundays and other holidays, it would necessitate the attendance of the whole or part of the office and the object of having these holidays would be frustrated. On the other hand, the local boards think that it would be an advantage to them to hold the meetings on holidays. As a sort of compromise between the two positions it is considered that at least Sundays be left as days of rest which will be of some advantage to the officials. In these circumstances, the change is proposed to be made."

The hon. Rao Bahadur Sir A. P. PATRO :—" I beg to second the resolution."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I have no quarrel with the latter portion of the resolution because when the day is sought to be specified it shall not be a Sunday. But as regards the first portion that no meeting shall be held on Sundays, I submit there is this difficulty. We generally hold meetings on the last Saturday of the month and supposing that several important subjects, such as, budget, administration reports, etc., have to be considered we find it difficult to finish the consideration of those subjects on that day and the members wish that the work left over might be disposed of the next morning so that they might go to their places. It is well known that the members are not paid daily allowances; they are paid only travelling allowances and if they are asked to stay and finish the work on Monday they go away. The work will thus suffer and it has to be postponed for two months. I submit that the provision that no meetings shall be held on Sundays will work great hardship on the administrative side of the local boards.

4 p.m. "If the hon. the Chief Minister will see his way to so amend the rule that unless the meeting is continued on that day, with the consent of the members present on Saturday that they are prepared to work on Sunday, I submit, there will be no difficulty. If that is done, we can do the business



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more quickly. I quite see the solicitude on the part of the hon. Minister for the staff of local boards. They also want some rest, but I submit that very few clerks only are required on meeting days. It is only one or two clerks who are in charge of the meeting work that will be called for and if necessary they will be given compensation leave, i.e., if they work on a holiday, generally they are given compensation leave on some other day. We do not lose sight of that fact. Therefore my request to the hon. the Chief Minister is to alter the first portion in such a way as to provide that no meeting shall be held on a Sunday except when the meeting is to be continued on a Sunday with the consent of the members present."

Mr. T. M. MOIDU SAHIB :—"Not only on Sundays, but also on all Government holidays."

The hon. the RAJA OF PANAGAL :—"Mr. President, Sir, I quite see that there is some force in the argument advanced by the hon. Member for Cuddapah, but I think I can easily answer the argument. The difficulty pointed out by the hon. Member is only in the case of meetings held on Saturdays and not on other days or other holidays. But when once a change is made and the boards are acquainted with the change, they will take care that on meetings convened on Saturdays they will not have a heavy programme of work. So, the objection urged by the hon. Member is not a serious one and it is left to the boards themselves to see that on such days there is a light programme. In these circumstances, I am sorry I cannot accept the proposal made by my hon. Friend."

"Again, Sir, the hon. Member for Malabar requested me to extend this to other holidays, but as I stated already, this decision was arrived at as a matter of compromise. I cannot accept his proposal."

The resolution was put to the House and carried.

# V

## THE MALABAR TENANCY BILL.

\* The hon. Mr. N. E. MARJORIBANKS :—"So far as the Government are concerned, there is no objection to proceed with the non-official business if the House so desires."

\* Diwan Bahadur M. KRISHNAN NAYAR :—"Three days have been allotted for non-official business. It is now 5 minutes after 4 and we may take it for all practical purposes as 4 o'clock and counting one hour for this day, three days will suffice for non-official business. I suppose, there is no objection to that."

\* The hon. Mr. N. E. MARJORIBANKS :—"No objection."

\* Diwan Bahadur M. KRISHNAN NAYAR :—"The first thing for consideration is the preamble; section 1, section 2, the definition section, and sections 4 and 5 have then to be considered. We have finished section 3 and we have amendments to clause 1, clause 2 which deals with definitions and clauses 4 and 5. Amendments have already been tabled and we have also some amendments to clauses which have already been passed. I suggest, Sir, that it would be convenient to everybody concerned that we take up clauses 4 and 5 first and then clause 1 and then dispose of the amendments to clauses

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which have already been passed and then go finally to the definition and to the preamble. My friend the hon. Mr. Moir who is in charge of the Bill, I suppose, has no objection to the course."

\* The hon. Mr. T. E. MOIR :—"No objection."

*Clause 4.*

\* Mr. K. PRABHAKARAN TAMPAN :—"I beg to move

*that the following clause be substituted for the existing one :—*

*"Nothing in this Act shall affect kanam holdings of which the kanam amount is more than the aggregate of 12 years' michavaram."*

"My main argument is this, Sir: It has been said that all kanams that partake the character of mortgage or hypothecation must be excluded. The supporters of the Bill expressed that the kanams in North Malabar were very heavy and are more or less mortgages and on that ground they should be excluded."

\* Diwan Bahadur M. KRISHNAN NAYAR :—"May I have a word of personal explanation, Sir? I have not stated that the kanams in North Malabar are heavy and therefore should be excluded. I said that kanams in North Malabar do not partake of the characteristics of kanams in South Malabar and that the kanams in North Malabar are really mortgages and therefore they should be excluded. The exclusion has no relation whatever to the amount of kanam."

\* Mr. K. PRABHAKARAN TAMPAN :—"That is exactly what I also meant. If I did not explain myself properly, it was my fault. It is said that kanams that are of the character of mortgages did not require any special treatment and that they might be excluded. We have also got heavy kanams in South Malabar and so I have suggested that the kanam amount which is more than the aggregate of twelve years' michavaram or the annual rent payable to the janmi may be excluded from the provisions of the Act. Even when we purchase janmam property the value that we pay is only twenty years' purchase, and twelve times the michavaram may fairly be taken to indicate a mortgage and treated as a liability or an encumbrance on the property. Therefore I have suggested that such kanams may be excluded from the scope of this Act."

\* Mr. V. MADHAVA RAJA :—"I second it."

\* Diwan Bahadur M. KRISHNAN NAYAR :—"Now, we are concerned with the kanam amounts in respect of two classes of kanams, those kanams which have been in existence for a long time irrespective of the amount and those kanams which came into existence within seventy-three years. We have included within the scope of the Act persons who are holders of old kanams, i.e., old kanamdars whose kanams came into existence about three quarters of a century ago, and who have occupancy rights and permanent tenure. If the amendment is carried, it is practically taking away with one hand what is given by the other, that is, repealing a major portion of what has been already passed by the Council. So far as the nature of the transactions is concerned, kanams have distinct characteristics, distinct from ordinary mortgages."



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\* Mr. V. MADHAVA RAJA :—" It is said that in North Malabar the kanams are heavy and that kanam is only a mortgage there. There are so many kanam holdings with heavy kanams in South Malabar also. Therefore kanam holdings in South Malabar mentioned in the amendment should also be treated in the same way as those in North Malabar. I therefore strongly support Mr. Tampan's amendment."

Mr. K. P. RAMAN MENON :—" It is impossible to support the motion made by Mr. Tampan. As a matter of fact, from the discussions we have had with reference to this measure only two classes of kanams were formulated, that is, kanams which have their origin before 1852 and kanams that have their origin after 1854 without reference to the amounts which were mentioned in the document. A third set is sought to be introduced by Mr. Tampan and we do not know exactly where we would be if, as a matter of fact, this additional category is also introduced. There may be kanams which are a little more than twelve years' multiple of michavaram but which were as a matter of fact created before 1852 and we shall be taking away the rights conferred by section 6 if this amendment is carried. I therefore strongly oppose the amendment moved by Mr. Tampan."

\* Mr. K. PRABHAKARAN TAMPAN :—" It has been admitted even by my hon. Friends opposite that for the last hundred years and odd, kanams have been treated only as mortgages whether rightly or wrongly. It was therefore but natural for people in Malabar, to have raised large sums as kanams and treated the transaction purely as a mortgage. That was the law and nothing prevented them from treating them as only ordinary mortgages. There are janmis, even well-to-do janmis, who have raised very large sums as kanams. I referred the other day to a document which I came across which was executed by the Kizhake Kovilagam, the richest janmi in Malabar, raising a kanam of about Rs. 14,000. How it came to be, I cannot say, but it is a fact. A janmi in want only raises a loan on his property before he sells it outright. In many other rich families also owing to adverse circumstances or to meet pressing demands very large sums have been raised as kanams and they are treated only as loans. You will find several cases in my documents. Mr. Krishnan Nayar's complaint was that it was a mistake to have treated these kanams as mortgages. When a janmi and his tenant treated the kanam only as a mortgage, why should it not be excluded from the operation of this Act."

" Sir, in the working of the Act also there will be formidable difficulties. 4-15  
As an instance, I may point out that the renewal fee provided in the Bill is p.m.  
is one year's net produce. Supposing a land fetches 1,000 paras of paddy. There may be a nominal kanam on that holding, say Rs. 100 or Rs. 150. There may be another case where a land that fetches a thousand paras of paddy might have Rs. 10,000 as kanam. So, both these holdings will have to pay the same rate of renewal fee. The man who has invested a larger amount in the shape of kanam makes only a nominal profit from the holding. In spite of that, he will have to pay the full year's net produce. It is an anomalous position. The Bill does not differentiate with reference to the payment of renewal fee between the man who has paid a nominal kanam on the holding and the man who has advanced a very large amount on the holding. That would be a real grievance and there are several other anomalies in the Bill. I only wanted to explain this aspect of the question. The House is welcome to vote one way or the other."

The amendment was put to the House and lost.

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• Paragraph 2. •

- \* Rao Bahadur P. RAMAN :—" I move, Sir,  
*'after the word "kuzhikanams" the words "or in leases of paddy lands" be inserted.'*

"I think, Sir, that leases of paddy lands should be treated on the same footing as kuzhikanams. When nominal kanams over kuzhikanams are not to be treated as kanams for the purpose of section 4, leases of paddy lands should also be treated in the same way. I hope the hon. Member, Mr. Krishnan Nayar, will accept the amendment. The reservation is by way of security for regular payment of rent in most cases."

- \* Diwan Bahadur M. KRISHNAN NAYAR :—" I accept the amendment Sir."

\* The hon. the PRESIDENT :—" As there is no discussion, I will proceed to put the motion to the House."

The amendment was put and carried.

Clause 4 as amended was put, passed and added to the Bill.

Clause 5.

\* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I move the amendment that stands in my name. It runs as follows :—

*'In line 2 after the word "own" insert the words "on the date of the passing of this Act".'*

"As it stands, the clause reads :

*'Nothing in this Act shall apply to the janmam lands of janmis who own 10 acres or less of such lands under cultivation.'*

"With my amendment the clause will read thus :

*'Nothing in this Act shall apply to the janmam lands of janmis who own, on the date of the passing of this Act, 10 acres or less of such lands under cultivation.'*

"The object of this amendment, Sir, is this : This clause exempts from the operation of the provisions of this Bill the lands of those janmis who are small proprietors who own on the whole only 10 acres or less of janmam lands. In other words, the tenants of those janmis who own only 10 acres and less do not get occupancy right. Now, Sir, I want to fix this ownership of 10 acres as it exists on the date on which this Bill becomes law. Otherwise, anomalous consequences are likely to follow ; for, a janmi may possess on the date of the passing of this Act, say 15 acres. The result will be that all his tenants if not otherwise disentitled to occupancy right, will have occupancy right ; but the janmi may sell after the date on which this Bill becomes law 5 acres of his lands. Then he will have only 10 acres left. The result will be that all those tenants of his who till then had occupancy right in the 15 acres including the 10 acres left to the janmi, will lose their occupancy right. Such a result will lead to all sorts of anomalous consequences. On the other hand, Sir, if a janmi possesses 10 acres of land on the date of the passing of this Act, his tenants will not have occupancy right. If, afterwards he purchases one acre more and thereby becomes the owner of 11 acres, then all those tenants who had no occupancy right till then in these 10 acres will have occupancy right. So, the object of this amendment



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is to fix the ownership of 10 acres as it exists on the date of the passing of this Act and to prevent anomalous consequences for the future. I therefore move it."

Mr. K. P. RAMAN MENON :—"I second the amendment."

\* Mr. K. PRABHAKARAN TAMPAN :—"I oppose it Sir. The concession given to the poor janmis is very niggardly, and therefore I object to this motion which aims at whittling down further. I have given amendments later on, Sir, to enlarge the concession; but that is a different matter. Sir, there is one hardship with regard to the suggestion made by Mr. Krishnan Nayar. Supposing a janmi family has got 100 acres of land on the date of the passing of this Act, they divide after the passing of this Act and that each divided branch of the family has got only 8 or 9 acres of land after the division. There may be 25 or 30 members in each family. Why should we not treat these several new families as coming under this clause, as they will then own only 10 acres and less? It may be that the original family holds more properties now, but owing the Malabar customs, the tarwad might not have cared to reduce the kanams. We, very often, find, Sir, that in janmi families there are a large number of members. I know of several families which have more than sixty or eighty members; and when they divide, they find it necessary to redeem their kanam properties and to make them into verumpattam. They must not be prevented from doing that. It will be a real injustice to the poor people. So, Sir, this restriction by way of introducing the date should not be accepted. Mr. Krishnan Nayar said a little while ago 'what is given by one hand is being taken away by the other.' I think it is more applicable here than to the case which he then referred to. I appeal to the House, Sir, that the cause of the poor janmis should be protected more than that of the big kanamdars. It is they that deserve kind protection at the hands of the Legislative Council. I therefore once more appeal to this Honourable House that they should deal generously with the poor janmis."

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I also oppose this amendment. What is given with the right hand is taken away by the left hand. The amendment says: who own 10 acres or less on the date of the passing of this Act. A person purchases janmam lands of 10 acres or leases it after the Act. What is to be his position? Is that land to be subjected to the incidence of permanent right of occupancy and other calamities which are brought about by this Act? The real object of this section is to protect small janam holders. If that is so, I do not at all see any reason why it should be restricted to those persons who own 10 acres or less on the date of the passing of this Act. He mentioned another instance, Sir. Suppose a family partitions its property into 3 acres, 4 acres and 5 acres under an agreement among the members thereof. Each man will become a small owner. I fail to see why that small owner should not possess the janmam right, but should be subjected to the disabilities imposed by this Act. If the real object is to protect small holders, you must look to the spirit of it. Mr. Krishnan Nayar was speaking as if he was making a generous concession in the case of small holders. The Bill has gone through several stages, and this idea did not strike him all through. It strikes him only just now at the last moment and he now comes and adds the words 'on the date of the passing of this Act'. I think it is not treating the small holders with the generous spirit to which they are entitled."

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Rao Bahadur B. MUNISWAMI NAYUDU :—"I support the amendment Sir. The object of the Bill is that all persons who are cultivating the lands whether or not they are janmis should have occupancy rights and that the Act should not be applicable to lands which are smaller in extent than 10 acres and which are under the actual cultivation of the janmi. Now, Sir, if the Act is not restricted to janmis other than those who own 10 acres or less on the date of the passing of this Act, the result will be this: supposing a janmi owns 20 acres to-day. All cultivators who are cultivating portions of those 20 acres will have occupancy rights under section 6. By some arrangement between brothers or relatives or friends, the janmi can divide his lands into bits of 10 acres or less and then he can come and say 'Under the Act you have no permanent right of occupancy as the extent of the land is less than 10 acres. I therefore drive you out'. The effect of it will be that every janmi will parcel out all the lands he has got into bits of less than 10 acres and say that the tenants' right of occupancy should be given up. What really section 5 states is: 'who own 10 acres or less of lands under cultivation.'"

Rai Bahadur T. M. NARASIMHACHARLU :—"Janmam lands, not all lands."

Rao Bahadur B. MUNISWAMI NAYUDU :—"Yes, janmam lands or lands to which janmis have a right of ownership. What section 5 says is that the Act shall not apply to the janmam lands of janmis who own 10 acres or less."

4-30  
P.m.

"Even if their lands become subdivided subsequently, the Act will not apply because section 5 simply says 'who own 10 acres or less'. But if you are going to say that the occupancy rights once conferred by this Act shall be taken away merely by the voluntary act of these people either by partition or otherwise, it will mean that what is given with one hand is taken away by the other. Certainly, this is not the object of the Act. My friend says 'purchase them subject to this condition.' I see no reason why one purchaser should get greater rights than what he bargains for. But supposing there is a partition; this Act may not affect it because that does not come under the purview of this Act. So, by partition they would not become lands in respect of which occupancy right can be had. On these grounds, Sir, I say that if you want to make any concession in respect of small janmams, they must be lands which on the date of the coming into force of this Act are 10 acres or less. I therefore support the amendment."

\* Mr. V. MADHAVA RAJA :—"I entirely agree with Mr. K. Prabbakaran Tampan. A janmi possessing 20 acres of land may divide it into bits of less than 10 acres. In that case, this section will not apply to such kanams. I think, Sir, the same protection which is afforded to him now should be extended to him then also. So I oppose this motion."

The amendment was put and carried.

Rai Bahadur T. M. NARASIMHACHARLU :—"Now that the previous amendment was passed, and the words 'on the date of the passing of this Act' have been added, I submit that a larger number of janmis should be kept out-side the purview of this Act. I therefore propose, Sir, that

*'for the figure "10" the figure "100" be substituted'.*

"If it is intended that only people who own a certain number of acres of land for themselves on the date of the passing of this Act should be excluded, I think the extent of lands must be raised at least to 100 acres."



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\* Diwan Bahadur M. KRISHNAN NAYAR :—“ I oppose that amendment Sir. This clause as it stands now was not in the original draft of the Bill. It was inserted by the Select Committee and in the Select Committee there was a good deal of discussion as to whether this clause as it now stands should find a place in the Bill. Some were of opinion that such a clause should not be put in at all; others were of opinion that if there was such a clause, it should be restricted to 5 acres and should not extend to 10 acres. After a great deal of discussion as a sort of compromise, 10 acres was ultimately adopted. There are those who think that 10 acres are too high and my Friend Mr. Raman's motion which was intended to delete this clause altogether had for its idea that object, but it was not moved. Certainly, anything more than 10 acres will deprive a large number of tenants of the fixity which it is intended to confer upon them. I therefore oppose the motion.”

\* Mr. K. PRABHAKARAN TAMPAN :—“ Sir, I have great pleasure in supporting the motion of my hon. Friend Mr. Narasimhachari. I have also given notice of a similar motion. Ten acres are hardly sufficient for the needs of a small family. My Friend Mr. Raman Menon knows the case of the Kurup's family in Kalladi code which owns extensive properties of cultivable and forest lands. He pays Rs. 700 assessment but gets only an annual income of 175 paras of paddy. The lands in all will fetch more than 1,500 paras of paddy.”

\* Diwan Bahadur M. KRISHNAN NAYAR :—“ I may be excused for this interruption. May I ask whether he pays Rs. 700 or his tenants pay it.”

\* Mr. K. PRABHAKARAN TAMPAN :—“ It may be that the payment is made through the tenants, but it is all his land. What I say is that it is not the extent of the land that should be treated as the standard for our purpose. There may be one acre of paddy land and 9 acres of parambas may be attached to it and there may be some garden also in it; and the janmi may get only a nominal income. The janmi may have to pay a large sum by way of the cost of improvement on the holding. Therefore, if you limit the extent of the land to 10 acres it will work as a great hardship on the poor janmis. In this connexion, Sir, I may invite the attention of the House to a report of the late Mr. Krishna Menon. He said in his report that 100 acres of land must be fixed as the minimum. This is what he said :

‘ That this restriction shall not extend to janmis whose janmam property, inclusive of ulu parambas (dry lands periodically cultivated) and kadu (forest lands), shall not exceed 100 acres.’

“ The provision itself does not differentiate between cultivable land and parambas. If a janmi has only 10 acres of parambas this will apply to him. Therefore the limit should be 100 acres and not 10 acres. I appeal to the expert member in the name of his revered father whose opinion I read now to have kind regard for the poor janmis. Another aspect of the question is this : You will remember, Sir, I tabled a motion saying that kanam lands that are more than 25 acres in extent ought to be excluded from the scope of the Bill on the ground that 25 acres are fairly sufficient for supporting a kanamdar's family. Then my friends, both the expert Member and the author of the Bill, said that 25 acres were not sufficient for the maintenance of a kanamdar's family. Now, let me not be misunderstood, with the tongues in their cheeks they are saying that 10 acres are sufficient for a janmi family. They ought to be fair both to the janmi and to the tenant if they want to be reasonable. There is no meaning in saying that in the case of the

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janmi we should restrict it to 10 acres, but so far as the tenant is concerned it may be 100 acres or 1,000 acres. The House has got to consider everything on a fair basis. I leave it to the House to decide Sir."

Mr. K. P. RAMAN MENON :—"I am sorry I have to differ from Mr. Tampan as I have very often to do. The chief argument put forward by him on this point is, first of all, that a janmi family with 10 acres of land as mentioned in this section will be hardly able to maintain itself, i.e., the income would not be sufficient for the family. I am astonished to find, that Mr. Tampan who has good experience of Malabar and who knows Malabar well, should support Mr. Narasimhacharlu, who admits, that he has absolutely no experience of Malabar. What does 100 acres of cultivable land, not dry land which is not cultivated at all, mean in Malabar? Hundred acres will mean in Malabar about 1,000 paras of seeds from the land for which according to the rate of assessment now prevalent in Malabar there will be an assessment of Rs. 750. Ordinarily our lands are taxed at Rs. 7-8-0 an acre and on that basis an assessment of Rs. 750 will have to be paid for 100 acres. At the same time, the yield of the land would be, if it is wet land, about 10,000 paras of paddy, i.e., nearly Rs. 10,000 worth of paddy. Now, Sir, I should like to ask Mr. Tampan if Rs. 10,000 will not be sufficient for the maintenance of an ordinary janmi family? I do not, of course, speak of the janmis who belong to the highest class of society but I speak of those janmis who come under the purview of section 5, i.e., indigent janmis who want protection. I may say, Sir, that it was at my instance that this clause was added to the Bill when it was in the Select Committee. At the same time, Sir, Mr. Narasimhacharlu does not know the conditions of Malabar."

Rai Bahadur T. M. NARASIMHACHARLU :—"I am glad I never entered Malabar, Sir. Otherwise the contagion will catch me of bringing such measures." (Laughter.)

Mr. K. P. RAMAN MENON :—"We are also glad that he has not been there. Now, Sir, 100 acres of land in Malabar will yield an income of Rs. 10,000. But a janmi holding 10 acres will get an income of about 1,000 paras of paddy according to the rates mentioned by me above, which means Rs. 1,000. Personally, I should think that that is a good income for an ordinary landholder. With regard to the other reasons pointed out what is the michavaram that is the second reason of Mr. Prabhakaran Tampan."

\* Mr. K. PRABHAKARAN TAMPAN :—"There are many janmis in Malabar who own a thousand acres of land but who get only a small michavaram."

Mr. K. P. RAMAN MENON :—"It cannot be helped. Their ancestors have been so improvident as to encumber the estates to the hilt. So legislative interference is not . . . ."

\* Mr. K. PRABHAKARAN TAMPAN :—"Are kanams encumbrances? When did my hon. Friend begin to treat them as such?"

Mr. K. P. RAMAN MENON :—"The owners of all properties saleable or alienable have made themselves victims of their properties on account of improvidence and no legislation can help them. The object of this section is not to protect improvident janmis but to help those janmis who are not guilty of any improvidence and who own only small holdings."



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[Mr. K. P. Raman Menon]

"Then, my hon. Friend referred to the opinion of my father, and I have 445  
certainly great respect for his opinions, and I bow to them. But his opinion  
does not amount to what Mr. Prabhakaran Tampan says. What he said was  
that janmis who own cultivated lands and dry lands together to the extent of  
a hundred acres ought to be excluded. He has not defined what extent of  
dry lands ought to be there, and since that is the case, I do not think  
I need bow down to that quotation. If you will please turn to the section, and  
see what is contemplated in the Act, there is absolutely nothing to support  
my hon. Friend's position. The section says:

'Nothing in this Act shall apply to the janmam lands of janmis who own on the date of  
the passing of this Act, 10 acres or less of such lands under cultivation.'

"So that the 10 acres are not inclusive of dry lands or lands not capable  
of cultivation, but 10 acres which are capable of cultivation and which are  
being cultivated, and cultivated as defined elsewhere. With reference to dry  
lands, if the House is not aware of the position of those dry lands in Malabar,  
I may mention it. Dry lands are not, as a matter of fact, usually cultivated  
every year. They cannot be regarded as lands under cultivation. They are  
cultivated once in three or four years. Once a crop of wild paddy is raised  
on the land, then there are two succeeding crops of millet and gingelly, and  
then the land is left fallow for three or four years. That is how dry land  
cultivation goes on there. Then, there are garden lands. They may be  
classed as dry lands. But we, on the other hand, class them as cultivated  
land, as land equal to paddy lands. They are so classed for revenue  
purposes and kanam purposes, so that the dry lands are not taken into  
calculation at all; and so that ten acres of cultivated land, as apart from other  
uncultivated dry lands, are quite sufficient to give the necessary protection  
which my hon. Friend wants under this Act. Hundred acres of land is out  
of all proportion to the wants of a janmi family there in Malabar, and I  
would therefore very strongly oppose this amendment."

\* **MR. K. PRABHAKARAN TAMPAN** :—"May I ask then, Sir, whether he will  
substitute an income of Rs. 1,000 per year to 10 acres? I will be quite  
prepared then to accept it. He said that an income of Rs. 1,000 can be got  
from 10 acres. Then, why not the section be so amended as to exclude  
janmis with an income of Rs. 1,000 per annum?"

**MR. K. P. RAMAN MENON** :—"While my hon. Friend was there in the  
Select Committee, he did not ask for any such amendment, and I am not  
prepared to accept any such amendment offhand."

\* **MR. V. MADHAVA RAJA** :—"I strongly support this amendment. A  
janmi's family does not consist of one or two members only. Unfortunately,  
a family has got sometimes twenty members or more. For all these persons  
together, ten acres is not at all quite enough, as assumed in this Bill. I say  
it is really most unfortunate if a family of twenty or thirty members is left  
to get on with ten acres of land."

"Then, there are so many other encumbrances to the janmi. In the  
garden there will be buildings, and he will have to make improvements.  
After meeting the expenditure on all those items, he will hardly have  
anything left for his maintenance, if he has only ten acres. So, I would  
strongly urge this House to support the amendment of Mr. Narasimhacharlu.  
I would go to the extent of putting it as hundred acres of cultivable land."

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\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" A perusal of the various minutes of dissent appended to the report of the Select Committee shows that there is very strong feeling that the limit of ten acres is very low, and that it ought to be increased. There is a minute of dissent by my hon. Friend Mr. Sitarama Reddi from South Arcot and Mr. P. T. Rajan, to the effect that the limit ought to be extended to fifty acres, and one or two others have suggested hundred acres, and so forth. My hon. Friend from Cuddappah has suggested an extreme limit of hundred acres; and in view of the opposition which that motion has evoked, I would suggest to the House whether it is not reasonable that the limit of ten acres, which appears to be too low to be accepted as is evident also from the minutes of dissent, should be increased to at least twenty acres. I find other amendments, notices of which have been given, suggesting 20, 25, 30 and 50 acres. My hon. Friend Mr. Narasimhachari, in his eagerness to increase the limit of exemption to as much as possible, has suggested 100 acres. But in view of the divergence of opinion, I ask the hon. Mover of the Bill whether he would still stick to the limit finally settled by the Select Committee, or whether he will consent to an increase to a reasonable extent. If you permit me, Sir, I will move an amendment to this amendment to alter the figure '100' into '20'."

\* Diwan Bahadur M. KRISHNAN NAYAR :—" My hon. Friend himself did not express this opinion before. In fact, those amendments for 20, 25 and 50 were not at all moved."

\* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am taking the lowest of those figures, so that, that at least will be accepted by the Mover of the Bill."

\* Diwan Bahadur M. KRISHNAN NAYAR :—" I am not satisfied with those reasons, and I cannot accept any such amendment, Sir."

The amendment was then put and declared lost.

Mr. K. Prabhakaran Tampan demanded a poll and the House divided thus:—

#### Ayes.

- |   |   |
|---|---|
| 1. Mr. K. Prabhakaran Tampan.               | 4. Dr. P. Subbárayan.                     |
| 2. " V. Madhava Raja.                       | 5. Mr. S. Muttayya Mudaliyar.             |
| 3. Rao Bahadur O. M. Narayanan Nambudripad. | 6. Rao Bahadur A. S. Krishna Rao Pantulu. |
|   | 7. Rai Bahadur T. M. Narasimhachari.      |

#### Noes.

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Mr. K. P. Raman Menon.           | 11. Mr. J. A. Saldanha.              |
| 2. Rao Bahadur C. Natesa Mudaliyar. | 12. " A. Ranganatha Mudaliyar.       |
| 3. Mr. N. Devendrudu.               | 13. Diwan Bahadur M. Krishnan Nayar. |
| 4. " A. Ramaswami Mudaliyar.        | 14. Rao Bahadur P. Raman.            |
| 5. " L. C. Guruswami.               | 15. Mr. R. Veerian.                  |
| 6. " R. Madanagopal Nayudu.         | 16. " K. Venkatachala Padayachi.     |
| 7. Rao Bahadur B. Muniswami Nayudu. | 17. " K. Uppi Sahib.                 |
| 8. Mr. C. Muttayya Mudaliyar.       | 18. " C. V. Venkataramana Ayyangar.  |
| 9. " G. Premayya.                   | 19. " J. Naganna Hegde.              |
| 10. Diwan Bahadur P. Kesava Pillai. |                                      |



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*Neutral.*

- |   |   |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks.             | 9. Mr. G. T. Boag.                              |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 10. " C. B. Cotterell.                          |
| 3. " Mr. T. E. Moir.                            | 11. Khan Bahadur Abdulla Ghatala Sahib Bahadur. |
| 4. " " A. Y. G. Campbell.                       | 12. Mr. S. Arpudaswami Udayar.                  |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 13. " A. Chidambara Nadar.                      |
| 6. " the Raja of Panagal.                       | 14. " K. Koti Reddi.                            |
| 7. Mr. T. R. Venkatarama Sastriyar.             | 15. " K. Sitarama Reddi.                        |
| 8. Rao Bahadur V. T. Krishnama Achariyar.       | 16. " B. Ramachandra Reddi.                     |

*Ayes 7. Noes 19. Neutral 16.*

The amendment was lost.

Clause 5, as amended, was then put, passed and added to the Bill.

The House then adjourned at 5 p.m. to meet again at 11 o'clock the next day.

R. V. KRISHNA AYYAR,  
*Secretary to the Legislative Council.*

## APPENDIX I.

[Vide answer to question No. 2352 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 27th August 1926, page 222 supra.]

*Statement showing the posts in the superior scale of Indian Civil Service abolished and newly created since the Reforms.*

Designation of post.	Number	
	Created.	Abolished.
Member of the Board of Revenue	...	1
District and Sessions Judges	3	...
Collectors	4*	...
Agency Commissioner	1	1
Secretaries to Board of Revenue	...	2
Collector of Salt Revenue (provisional)	1	...
Deputy Commissioners, Salt and Abkari	...	1
Deputy Secretaries to Government	2	...
Inspector of Municipal Councils and Local Boards	1	...
Sub-Collector, I grade	...	1
Total	12	6

\* Includes two junior Secretaries to Government.

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## APPENDIX II.

[Vide answer to question No. 2356 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 27th August 1926, page 225 supra]

*Statement showing revenue and expenditure for 1925-26 in respect of reserves of Bellary division used mainly for grazing and not yet handed over to panchayats.*

Serial number and name of reserve.	Revenue from			Expenditure.		
	Grazing.	Other sources.	Total.	B. Conservancy and works.	C. Establishment.	Total.
<i>Bellary Range.</i>						
1. Kuppal .. .. .	Rs. 271	Rs. 450	Rs. 721	Rs. 18	Rs. 499	Rs. 517
2. Banavasi .. .. .	50	226	276	11	408	419
3. Uppalagundi .. .. .	82	73	155	..	555	555
4. Marutla .. .. .	236	104	340	8	786	794
5. Kodlu .. .. .	100	39	139	..	243	243
6. Ch. Anthapur .. .. .	320	55	375	..	334	334
7. Bellary .. .. .	1,044	1,374	2,418	..	1,926	1,926
8. Mincheri .. .. .	559	541	1,100	..	760	760
9. Metrilu .. .. .	566	329	895	20	978	998
10. Moka A and B .. .. .	208	6,734	6,942	1,529	210	1,739
11. Hospet .. .. .	275	293	568	..	624	624
12. Bukkasagaram .. .. .	464	162	626	33	1,267	1,300
13. Joga A and B .. .. .	34	148	182	8	647	655
14. Daroji .. .. .	397	996	1,393	11	352	363
15. Thengaliu and Extension .. .. .	193	181	374	..	284	284
16. Rayadrug .. .. .	190	745	935	14	1,038	1,052
17. Bondanahal .. .. .	130	159	289	20	425	445
18. Dharmapuri .. .. .	175	726	901	8	1,011	1,019
19. Mallapuram .. .. .	51	161	212	..	294	294
Total .. .. .	5,345	13,435	18,780	1,680	12,641	14,321

*Kudligi Range.*

20. Bandri .. .. .	459	866	1,325	125	1,235	1,360
21. Sunkadahal .. .. .	1,122	1,243	2,365	64	1,194	1,248
22. Chiribi .. .. .	717	1,389	2,105	63	718	781
23. Nimbalegiri .. .. .	363	156	519	98	470	568
24. Banvika .. .. .	554	557	1,111	102	605	707
25. Kariyagiri halli .. .. .	213	360	573	..	414	414
26. Somalapuram .. .. .	211	1,227	1,438	10	141	151
27. Sivapuram .. .. .	790	888	1,678	98	1,175	1,273
28. Chikanahatti .. .. .	109	278	387	36	669	705
29. Gundu .. .. .	156	988	1,144	38	830	868
30. Kalurppi .. .. .	670	457	1,127	100	980	1,080
31. Chormur .. .. .	439	439	878	..	306	306
32. Godekota .. .. .	118	244	362	55	764	764 & 55
33. Gollingammanahalli .. .. .	..	67	67	..	378	378
34. Thousigiri .. .. .	55	67	122	..	297	297
35. Appayyanahalli .. .. .	160	112	272	32	304	336
36. Ramadurgam .. .. .	126	145	271	..	360	360
37. Hulikunta .. .. .	425	147	572	..	216	216
38. Thummaraguddi .. .. .	259	225	484	..	522	522
39. Shediga .. .. .	769	356	1,125	80	821	901
40. Gundu Bommanahalli .. .. .	..	..	..	..	76	76
Total .. .. .	7,715	10,151	17,866	901	12,475	13,376



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*Statement showing revenue and expenditure for 1925-26 in respect of reserves of Bellary division used mainly for grazing and not yet handed over to Panchayats—cont.*

Serial number and name of reserve.	Revenue from			Expenditure.		
	Grazing.	Other sources.	Total.	B. Conservancy and works.	C. Fstab-lishment.	Total.
<i>Old Harpanahalli Range.</i>						
41. Jittanabatti .. .. .	RS. 1,029	RS. 1,396	RS. 2,425	RS. 92	RS. 1,301	RS. 1,393
42. Sogi .. .. .	767	755	1,522	78	774	852
43. Jogikallugutta .. .. .	1,528	792	2,320	78	869	947
44. Uchengidurgam .. .. .	206	205	411	5	949	954
45. Hyrada .. .. .	1,028	1,854	2,882	145	1,415	1,560
46. Thogarihatta .. .. .	267	186	453	..	469	469
Total .. .. .	4,825	5,188	10,013	398	5,777	6,175

## APPENDIX III.

[Vide answer to question No. 2363 asked by Mr. Chavadi K. Subrahmanya Pillai at the meeting of the Legislative Council held on the 27th August 1926, page 230 supra.]

## TRICHINOPOLY CIRCLE—TINNEVELLY DIVISION.

*Statement showing the amounts of estimates sanctioned for closing the several breaches in the Tambraparni river and its branches and also the present stage of these works.*

Serial number and name of work.	Amount of estimate sanctioned.	Remarks.
1. Left flood bank above Marudur anicut, between Kaliyavur tank village and Marudur Kilakal channel head in Tinnevely district for an aggregate length of 810 feet.	RS. 13,300	The work has been completed and the bank restored to its original condition.
2. Breaches in several places of the bank of the Kaliyavur tank in Tinnevely district.	11,800	All breaches have been closed. Raising the bund in some places remains to be done and is in progress.
3. Breaches in the left flood bank below Srivaikuntam anicut at 0/1 mile in Tinnevely district.	10,300	Breaches have been closed and the bank restored to its original condition. Graveling the top of bank is now in progress.
4. Breaches in the left flood bank below Srivaikuntam anicut at 4/4 mile in Appankoil limits in Tinnevely district.	45,900	The breaches have been closed and the bank restored to its original condition.

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*Statement showing the amounts of estimates sanctioned for closing the several breaches in the Tambraparni river and its branches and also the present stage of these works—cont.*

Serial number and name of work.	Amount of estimate sanctioned.	Remarks.
	Rs.	
5. Breaches in the left flood bank below the Srivaikuntam at 9/0 mile in Eral limits in Tinnevely district.	21,520	The breaches have almost been closed. The work will be completed before 31st July 1926.
6. Breaches in North Main channel in Appankoil limits in Tinnevely district.	21,000	This is the diversion of the North Main channel by a straight cut. The work has been ordered to be put in hand and necessary preliminary arrangements are being made. Estimate has been prepared and will be got sanctioned as early as possible.
7. Breaches in the North Main channel in Eral limits in Tinnevely district.	61,300	These are partly closed and the work will be completed before the north-east monsoon commences. But that portion of work which is urgently required to be done so as to allow water in the channel from 1st July is nearing completion.
8. Breaches in the right flood bank below the Srivaikuntam anicut at the first mile in Pudukudi limits in Tinnevely district.	64,180	This work has almost been completed. This is also diversion of the right flood bank.
9. Breaches in the right flood bank below Srivaikuntam anicut at 1/5 mile in Alwartinagari limits in Tinnevely district.	5,690	The breaches have been closed completely.
10. Breaches in the right flood bank below Srivaikuntam anicut at the tenth mile in Chokkapalangarai limits in Tinnevely district.	..	There are no breaches here but the bank has been eroded. Proposals for retreating the bank have been received and submitted to the Superintending Engineer for sanction.
11. <i>Marudur anicut system.</i> —Breaches in the Marudur Kilakal channel and the tanks fed by it in Tinnevely district.	4,150	The breaches in the Kilakal channel have almost been closed. The minor breaches in the tanks under Kilakal channel have also been almost completed.
	8,030	The breaches in Perungulam surplus channel are being closed and will be completed shortly.
12. <i>Srivaikuntam anicut system.</i> —Breaches outside Eral and outside Appankoil limits in North Main channel and the tanks fed by it in Tinnevely district.	13,300	Breaches in North Main channel outside Eral limits have almost been closed and the banks restored. Other minor breaches in tanks under North Main channel are being closed.
13. Breaches below the Sulaivaikal bridge in Tinnevely district.	..	This is the same as item 7 above.
14. <i>Breaches in the Upper Tambraparni anicuts and channels—</i>	..	..
(i) Special repairs to Kodamelalaghian anicut.	1,300	All these works have been completed and the banks raised to their original conditions.
(ii) Special repairs to North Kodamelalaghian channel.	1,300	
(iii) Repairs to Nadhiyunnin anicut.	1,100	
(iv) Closing breaches in Nadhiyunnin channel.	130	



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*Statement showing the amounts of estimates sanctioned for closing the several breaches in the Tambraparni river and its branches and also the present stage of these works—cont.*

Serial number and name of work.	Amount of estimate sanctioned.	Remarks.
14. Breaches in the Upper Tambraparni anicuts and channels—cont.	RS.	
(v) Repairs to flood damages in Kannadian channel.	980	All these works have been completed and the banks raised to their original conditions.
(vi) Special repairs to the Kannadian channel.	950	
(vii) Special repairs to head sluice in Kannadian channel.	360	
(viii) Ordinary repairs to the Kodagan channel for 1926-27.	4,160	
(ix) Ordinary repairs to the Tinnevely channel for 1926-27.	10,020	
(x) Ordinary repairs to Palayam channel for 1926-27.	4,805	

## APPENDIX IV.

[Vide answer to question No. 2367 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th August 1926, page 232 supra.]

*Indian Christian members on the District Boards and Taluk Boards in South Kanara, Malabar, Coimbatore, Nilgiris and Salem.*

## SOUTH KANARA.

Name of Board.	Name of member.	Seot.
District Board	1. M.R.Ry. Rai Sahib	Roman Catholic.
	E. C. M. Mascarenhas.	
	2. M.R.Ry. Rao Sahib A. J. Lobo.	Do.
	3. Mr. B. M. D'Souza.	Do.
Taluk Board—		
Uppinangady	Reverend D. S. F. Coelho	Do.
Udipi	Rev. D. J. D'Souza	Do.
Mangalore	1. Mr. B. M. D'Souza	Do.
	2. Mr. J. P. Sequeira	Do.
Karkal	Mr. A. L. P. Mathias	Do.
Kasaragod	Mr. Christian Theodore	Protestant.
Coondapoor	Rev. Father Peter D'Souza	Roman Catholic.

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*Indian Christian members on the District Boards and Taluk Boards in South Kanara, Malabar, Coimbatore, Nilgiris and Salem—cont.*

## SALEM.

Name of board.	Name of member.	Sect.
District Board ...	Rev. T. Narasimham ...	Protestant.
Taluk Board—		
Sankari ...	M.R.Ry. S. N. Prabalam Pillai Avargal.	Do.

## COIMBATORE.

District Board ...	M.R.Ry. R. S. Viswasam Avargal, B.A., L.T.	Do.
Taluk Board—		
Palladam ...	M.R.Ry. G. Mariadas Pillai Avargal.	Roman Catholic.
Coimbatore ...	Nil	Nil.
Gobichettipalayam ...		
Erode ...		
Pollachi and Kollegal ...		

## THE NILGIRIS.

Nilgiris District Board.	Mr. S. J. Gonsalves ...	Roman Catholic.
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## MALABAR.

District Board ...	Mr. A. T. George ...	Syrian Christian.
Taluk Board—		
Ponnani ...	1. Mr. T. K. Devasi	Do.
	2. Rev. Father Mathew Cherunilath.	Do.
Palghat ...	Mr. A. J. Fernandez ...	Roman Catholic.



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## APPENDIX V.

[Vide answer to question No. 2375 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th August 1926, page 238 supra.]

*Statement showing the mileages, cost of maintenance, etc., of trunk roads in the Malabar and South Kanara districts passing over the Western Ghats.*

District.	Name of road.	By whom maintained.	Mileage.		Average cost of maintenance per mile.	
			Miles.	Furlongs.	1924-25.	1925-26.
Malabar	(1) Malras-Calicut road ..	District Board.	93	5	Rs. 388	Rs. 395
	(2) Gudalur-Calicut road ..	Do.	40	5	503	463
	(3) Gudalur-Vaittri-Calicut road.	Do.	19	1	429	764
	(4) Tellicherry-Coorg road.	Public Works Department.	34*	..	1,836	2,737
South Kanara.	(5) Calicut-Mysore road ..	Do.	73	..	1,344	1,632
	(6) Mangalore-Mercara road.	District Board.	65	7	518	No information.

\* Of these 34 miles, 31 miles and 6 furlongs are maintained by the Public Works Department.

## APPENDIX VI.

[Vide answer to question No. 2378 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th August 1926, page 242 supra.]

*Copy of letter No. 860 I./26-2, dated 10th April, 1926, to M.R.Ry. J. A. Saldanha Avargal, M.L.C., "Belmond House," Kankanady P.O., Mangalore.*

With reference to your letter dated 10th March 1926 forwarding a copy of the resolutions passed at a meeting of the Warghardars of Uppinangady taluk held on 25th October 1925, I am to furnish you with the following particulars in respect of the resolutions:—

(i) Assignment of cultivable area in reserved forests:

The Government had already instructed the Chief Conservator to take necessary steps to make the cultivable lands in the reserved forests of the South Kanara district available for cultivation either by disforestation or by the grant of forest leases.

(ii) Setting back of reserve boundary to a mile beyond lands under cultivation.

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The Government have laid down that they are unable to accept the principle that proximity to occupied areas should in itself, justify disafforestation of reserve but that when specific instances are brought to notice, and it can be shown prima facie that proximity causes hardship they will be ready to institute the necessary enquiries and give redress if possible.

(iii) Erection of a substantial wall or fence around reserved forests to prevent forest fires extending to private lands and forests and to prevent wild animals coming from forests.

The Government do not consider that this suggestion is feasible considering the enormous expenditure that would be involved in such an undertaking. They see no reason to believe that forest fires extend to private holdings and cause hardship. As to protection from wild animals, shooting licences can be obtained from District Magistrates.

(iv) Remission of cattle fee from the Warghardars of Uppinangady taluk.

The grazing fee in this district has not been recently enhanced and so there is no reason to complain that the "Cattle fee is increasing year by year."

(v) Giving up of reserved forests of this taluk to prevent excessive rain and devastation of crops by wild animals.

The forests in South Kanara contain very valuable timber and cannot therefore be given up.

2. The resolutions regarding the sale of dead timber and sale of cane to contractors are being sent to the Chief Conservator for such action as he may consider necessary. The resolutions regarding the system of charging seigniorage for trees and resettlement have been sent to the Revenue Department for necessary action.

வாய்மையே வெல்லும்  
TRUTH ALONE TRIUMPHS